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IN ENGLAND.

BY ARMAND CARREL.

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IN ENGLAND,

*For the Re-establishment of Popery,*  
UNDER CHARLES II. AND JAMES II.

BY  
ARMAND CARREL.

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## MEMOIR OF ARMAND CARREL.

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On the 20th of March, 1823, a young man of twenty-three stealthily embarked at Marseilles in a Spanish fishing vessel bound for Barcelona; but the evening before, he had worn the epaulette of sub-lieutenant of the 29th regiment of the line. Somewhat compromised in the opinion of his superiors by his liberal opinions, he had been ordered to remain at the dépôt at Aix, while his regiment was sent to share in the expedition directed by the government of the elder branch of the Bourbons against the Spanish revolution. The young officer, thirsting for action, had vainly protested against the order which condemned him to repose; having received as an only reply, a threat of dismissal, he decided upon sending in his resignation, and thus restored to liberty, precluded from fighting in the French ranks, and, moreover, drawn by his opinions to the cause of the Spanish constitutionalists, he departed, all joyous, unknown to his parents or friends, to place his sword and his life at the service of that cause.

On his arrival at Barcelona, he found the town filled with refugees from all nations, mostly old soldiers of the empire, attracted to Spain by the love of war, the taste for adventure, and the hope of revenge upon the white flag. While other refugees, encamped upon the banks of the Bidasoa, vainly endeavoured to gain over the army of the Bourbons by waving the tri-coloured flag before their eyes, the French assembled at Barcelona, formed themselves into a battalion, called the battalion of Napoleon II., clothed in the uniform of the old guard, and marching under the imperial eagle. Soon reduced in numbers by the rapid successes of the army of invasion, this French battalion was organized, with the other foreign companies, into a single corps, which, under the name of the *Foreign liberalist legion*, formed a battalion of infantry, and a small squadron of lancers. Many companies of it were composed entirely of officers; there were two generals in the ranks carrying the lance; one half of them were Frenchmen, and the rest had served in the Imperial armies. The uniform and colours were those of the empire; a brilliant and gallant officer, colonel Pachioretti, had organized this legion, and commanded it. It was under him that for many months were seen men, collected from all parts of Europe, almost all old soldiers of the great captain come to a strange country to defend a cause which they looked upon as their own, rallied under the ascendancy of a lofty mind, marching where it

led them, suffering and fighting without the hope of praise or in any way changing, do what they might, the desperate state of their cause; having no other prospect before them but that of a miserable end amidst a country in arms against them, or death in the court-yard as prisoners, if they escaped that of the battle-field.

It was in this rude school of strife and misery, in this campaign of Catalonia, of which he was one day to be the eloquent historian, that the young officer from Marseilles fought his first fight, with a bravery and a talent worthy a better fate; for the *Foreign liberalist legion*, ill seconded by the Spanish troops, after having been decimated in numerous encounters, was at length overwhelmed before Figuières, after a combat of two days, the fierce determination of which proved that they were Frenchmen who fought on either side. On the third day, the small foreign phalanx, diminished by two-thirds, but resolved to die weapon in hand rather than incur the punishment reserved by the French laws for most of the survivors, prepared to fight till the death of the last man, when general baron de Damas proposed a capitulation, by which he granted the ordinary conditions to the Spaniards and other foreigners, and pledged himself to obtain the pardon of the French refugees.

This capitulation, the terms of which were afterwards contested by the refugees, was not fully ratified by the government of the restoration, at least, not as to the latter, for immediately that, re-entering France, wearing their swords and uniforms, they appeared at Perpignan, they were seized and carried before councils of war. M. de Damas, whose guarantee they appealed to, declared that he had engaged only to obtain their life from the king's mercy, but not to protect them from the condemnation which they might incur for having borne arms against France.

Most of them refused to admit of any modification of the convention of Figuières, and among the most determined in demanding the honourable fulfilment of a capitulation of which he was denied the security, the young officer in question was chiefly distinguished. The idea of being regarded by military judges as a deserter taken in arms, and who had surrendered at discretion, was odious to him; and rather than place himself at the royal mercy, he preferred, despite the remonstrances of his family, to take the chance of a judicial struggle, which, in case of failure, would endanger his position.

Twice condemned to death at Perpignan, he contrived to have those two sentences annulled for defects of form; brought before a third council of war at Toulouse, he was ably defended by the celebrated advocate, Romiguières. The passions which had given birth to the war in Spain were already somewhat calmed; the bravery, the youth, the noble and open physiognomy of the accused, some earnest and touching expressions which he himself delivered in his defence, all moved the hearts of the judges; and upon the simple proof of the existence of the capitulation, he was acquitted by a majority of six to one, and re-entered society, not as a pardoned criminal, but as a conquered soldier, who had owed his life to his sword alone.

However, that sword was now broken; the military career, which he had embraced from taste, was for ever closed to the young sub-lieutenant, but Fortune reserved brilliant compensation for him.

But a few years, and this obscure officer, changing his sword for a pen,



was to achieve with that pen, which he wielded like a sword, the rank of general in chief of the grand army of journalists, that most undisciplined army, of all that ever existed, numbering as many generals as it does soldiers. Again, a few years, and aided by a revolution, this sub-lieutenant was to become, both in the eyes of his adversaries and of his friends, the loftiest, the most brilliant personification of the political press of France; and yet again a few years, and the bloody and premature death of this simple journalist, unhappily too adherent to the manners of the soldier, was to produce in France and in Europe a sensation as vivid as that produced by the death of a powerful king. Thirty thousand persons of every rank were to escort his remains to his grave, and men were to see the greatest literary genius of our age, the statesman who, from his cabinet, gave motion, in 1823, to the army of Spain, the most illustrious of the emigrants of the white flag, weeping over the tomb of the bravest emigrant of the tri-coloured flag.

JEAN BAPTISTE NICOLAS ARMAND CARREL was born at Rouen, on the 8th of May, 1800, of a mercantile family; after having partly gone through his classical studies in the college of that city, he obtained his father's permission to follow the inclination which drew him to a military career, and he entered the school of Saint Cyr.

"At Saint Cyr," says M. Littré, "he distinguished himself by his taste for military exercises and the boldness of his political opinions. He was looked upon, from the outset, as an ill-affected person, and was consequently kept under close surveillance, and even persecuted by the superior general, d'Albignac. One day, the general having said to him that, with opinions like his, he should take to the yard measure at his father's counter: "General," answered Carrel, "if I do take it up, it will not be to measure cloth with it." This daring reply occasioned his arrest, and there was a question even of expelling him. But Carrel wrote direct to the minister of war, explained the facts to him, and completely gained his cause. Caring little for the studies which might make him attain a first rank as an officer, Carrel paid indifferent attention to mathematics, but much to literature, and as his compositions were solely narratives of battles and military harangues, he left his fellow-pupils far behind him, as well by the purity and precision of his style, as by the bold ideas which he made such admirable use of when peculiar energy was required."

Having, in 1821, entered, as sub-lieutenant, the 29th regiment of the line, then in garrison at BÉfort and Neuf-Brisach, he had some share in the military conspiracy known as the conspiracy of BÉfort; but, fortunately for him, his complicity escaped the investigations of the police.

Being with his regiment at Versailles, he wrote, as his débüt in the career of journalism, a letter to the Spanish cortes, which procured him, from general de Damas, general of his division, a paternal admonition, and doubtless contributed to his being left at the dépôt at the time of the expedition.

We have seen how he indemnified himself for the inactivity sought to be imposed upon him, and how his campaign in Catalonia brought him before the councils of war.

After his last acquittal, and his release from the prison of Toulouse, he came, in September, 1824, to Paris, where he found himself, without resources, without profession, under the displeasure of his family, and pressed to adopt some profession instead of that he had lost. He first thought of studying the law, with a view to the bar, but he had entered Saint Cyr before taking a degree in philosophy, and had not, accordingly, the diploma of bachelor, without which he could not enter. Although, during his garrison life, and

his long sojourn in the prisons of Perpignan and Toulouse, he had read and written much for his own private instruction, it did not at first occur to him to attempt the literary career: his family wished him to devote himself to commerce.

M. Isambert, who had been his counsel in his appeals, gave him letters of introduction to M. Girardin and M. Lafitte, it being in contemplation to place him in a banking house, but these various steps led to nothing, and the young Carrel already began to discover that it was more difficult to gain a livelihood at Paris than to make war in Catalonia, when one of his friends, M. Arnold Scheffer, proposed him as secretary to M. Augustin Thierry, who was then completing his *Histoire de la Conquete d'Angleterre par les Normans*, and whose already failing sight required the eyes of an intelligent and active colleague.

The illustrious historian offered him a salary equal to his late pay; and, to remove all idea of subordinancy, which would have been painful to so proud a soul, he exhibited to him his task, as that of a man selected to assist in his historical researches, adding: "This work will offer little to amuse, but some instruction may, perhaps, be derived from it." A post offered with so much delicacy was accepted with eager gladness.

"The department assigned to Carrel, when installed with M. Thierry, consisted," says M. Nisard, "in making researches, arranging, putting notes in order, and correcting proofs of the *Histoire de la Conquete*. These labours, and others of the same kind, are dry and subaltern only in common hands; a superior mind finds therein materials whereon to display his sagacity and his taste. Carrel, from the first, showed in this work such high qualities, that in a short time the line of demarcation between the secretary and the accomplished author was gradually effaced. M. Thierry, with that noble modesty which distinguishes him, fully acknowledges all that his last volume of the *Histoire de la Conquete* owed to the co-operation of Carrel. Six months passed away thus; Carrel had not yet written anything on his own account. A bookseller having asked M. Thierry to draw up a summary of the history of Scotland, Thierry, who could scarcely accomplish the labours he already had in hand, engaged Carrel to undertake it. Carrel applied himself to the work, and drew up, aided by the *Histoire de la Conquete*, a brief and effective summary, to which, for the purposes of the bookseller, M. Thierry wrote an introduction. The work was so successful that Carrel refused any further salary from M. Thierry. The latter would not, at first, consent to this; but Carrel insisting, it was agreed that he should receive it for three months longer, after which he should be entirely at his own disposition. In the interval, Carrel's mother made a journey to Paris. M. Thierry's letters had not satisfied her. Her idea of the position of a man of letters was by no means flattering. It was necessary for M. Thierry to renew emphatically his first assurances, and himself, as it were, to guarantee the literary talent, and the consequent future success in life, of her son. At two dinners to which she invited M. Thierry, she eagerly questioned him upon this subject. 'You think then, Monsieur, that my son will get on, and that he will make his way well?' 'I answer for him as for myself,' said M. Thierry. 'I have had some experience in literary matters; your son has all the qualities which ensure success in the present day. . . . The young man listened in silence, respectful, submissive, and, as M. Thierry relates, almost timid, in the presence of his mother, whose decision and firmness of mind had great influence over him. Carrel here only bowed before his own qualities; for what he respected in his mother was simply that which, at a later period, was to make himself respected as a public man."

Meantime, the success promised to Carrel in the career of literature was slow in coming. After having left M. Thierry, he published, by his advice, a new *Resumé de l'Histoire de la Grèce Moderne*. The very moderate produce of these two first works enabled Carrel for a short time to enjoy independence; but his purse was soon exhausted. He was obliged to seek a livelihood by the precarious occupation of a subaltern press-writer, taking



about to the various journals and reviews articles sometimes refused—sometimes forgotten in the editor's portfolio. This melancholy existence, which would have been insupportable for Carrel, had he not had, in his soldierly tenaciousness, a means always at hand to secure him from the insolence or disdain of the more fortunate, lasted several months, and his pecuniary difficulties became such that he was obliged again to think of commerce.

"He selected," says M. Nisard, "that of books, as least separating him from his literary habits. A request for capital was made to his family, who sent him the means of establishing, in partnership with a friend, a modest bookseller's shop, which did not exist long enough to ruin any one. The capital alone was lost, at least so much of it as had not been applied to the support of Carrel for several months. It was here, in the back-shop, upon a counter,\* to which a large Newfoundland dog was chained, that Carrel, sometimes immured in English political collections, sometimes caressing his favourite dog, meditated and wrote the *Histoire de la contre-revolution en Angleterre*. This book appeared in February 1827."

In this work, the first he had written from taste rather than to the order of some bookseller, Carrel infused enough of himself to enable us in reading it to form an idea of the state of his mind when he composed it; but it was not until a year later, in 1828, in two long articles upon the war in Spain, published in the *Revue Française*, that Carrel, called upon to speak of things and men whom he had himself seen, to describe feelings and passions which he had shared or combated, fully manifested himself to the public with all his distinguishing attributes, that firm and decided bearing, that manner, so unflinching, yet so unassuming, because so undoubting of itself, that style, so skilful a combination of vivid colouring and close precision, of elegance, clearness, and vigour, which gave such admirable relief to his writings.

The narrative is not only distinguished by the severe beauty of form, the uprightness, the loftiness, of its ideas; it is stamped with a character of justice and impartiality very remarkable in a soldier, but which did not always protect Carrel from yielding to the excitement of daily polemics.

Shortly afterwards, the establishment of the *National*, the first number of which appeared on the 1st of January, 1830, opened to Carrel the arena in which he was to experience all the delight, all the ardour, all the intoxication, all the triumphs, and all the dangers, of the field of battle. United, at this time, by the ties of friendship and of similar opinions, with MM. Thiers and Mignet, he founded, in concert with them, and with the support of the chiefs of the extreme liberal opposition, that paper which was destined to bring about in France a revolution of 1688.

M. Littré here speaks, without any proof beyond the assertion itself, of a radical difference of opinion, which, from the outset, divided M. Thiers and Carrel; he alleges that the views of Carrel already went much farther than the substitution of one dynasty for another; and he adds, that, accordingly, his co-operation in the *National* was limited, and almost confined to a few literary criticisms.

It is true that Carrel—at first occupying the third rank in the direction of the *National*, according to an arrangement concluded between its three originators, in pursuance of which each of them by turns was to have the supreme direction of the paper for one year, a direction given first to M.

\* This counter, which is merely a rough table, was bought by M. de Chateaubriand at the sale of Carrel's furniture.

Thiers, and which was next to devolve upon M. Mignet—it is true that Carrel, in his consciousness of his own worth, ill enduring to be eclipsed by his two colleagues, whose literary and political position was then superior to his own, kept himself somewhat aloof during this first period of the *National*. An article upon the death of Alphonze Rabbe, another, and a very touching one, upon the suicide of young Santelet, acting editor of the new paper, an essay upon the life and writings of Paul Louis Courier, and two curious and striking articles against the dramas of the *romantic* school, for which Carrel had never any taste, were almost the only indications of his co-operation in the *National*, from January to July, 1830. But, to attribute this reserve, on the part of Carrel, to a fundamental difference of opinion as to the direction of the journal, is to render it impossible to explain how and why Carrel, when sole director of the *National* after the revolution of July, conducted it almost exactly on the same principle as that pursued by M. Thiers. If Carrel had, ever since the restoration, been so deeply pervaded with republican views, how could he so long have defended the monarchy of July against its adversaries of every grade, and waited so long ere he passed into their ranks.

Carrel was still in that position of uneasiness and unsatisfied ambition, when the ordinances of July appeared: they found him prepared for resistance, but, like many others, little confident in its efficacy. On the 26th of July, in a supplement to the *National*, distributed at mid-day, and containing the ordinances, he himself wrote the first appeal to the individual energy of the citizens; the following day he signed the general protest of the journalists, drawn up by M. Thiers, and likewise emanating from the *National*; and then, when the firing was going on between the people and the troops, he was seen, according to M. Louis Blanc, wandering about the streets, without arms, a black stick in his hand, braving death without seeking success, and incessantly asking his more confident friends: "Have you only a single battalion?" His own recollections, and perhaps his professional pride as ex-lieutenant, prevented him from believing in the possibility of a victory by the populace over regiments.

On the 30th of July, while MM. Thiers and Mignet were labouring to secure the success of the royal candidatureship of the duke of Orleans, Carrel was charged by M. Laffitte to take the command of the column of Rouenese National guard, which had hastened to the succour of the Parisians.

During the first days of the installation of the new government, he was sent on a mission into the departments of the west, for the purpose of re-organizing the administration there; he zealously acquitted himself of this task, changing or retaining the mayors and sub-prefects according to the conviction he acquired of their attachment to the new order of things. Finding himself indirectly disavowed by some of the measures of the new government, he returned to Paris at the latter end of August; he there found his friends of the *National* already installed in power. With regard to him, he was, without being consulted, nominated prefect of Cantal. Considering a prefecture of the third class as below his claims, he refused it, and now occupied himself solely with regaining possession of the *National*, to which some difficulties, which he attributed to M. Thiers, opposed themselves.

During his absence, M. Thiers, quitting the *National*, had caused its direction to be confided to M. Passy. Carrel asserted his own rights, and after some discussion, attained them: and the *National* of the 29th of



August, 1830, appeared with the notification: "That MM. Thiers and Mignet having entered into office, the paper would thenceforth be conducted under the sole direction of M. Carrel."

If there was needed a proof that republicanism and war, which people have so frequently attempted *à posteriori* to identify with the spirit of the revolution of July, are two tendencies which were not contained in that great political fact, and were only joined to it as it were by supererogation, and at a subsequent date, that proof is given in the manner in which Carrel, already personally dissatisfied with the new power, and consequently having no reason to spare it, at first directed the *National*.

As to the change of Carrel's views from monarchy to republicanism, it is incorrect to represent it as one of those sudden transformations which are brought about from one day to another, under the imperious and exclusive influence of wounded self-love and disappointed ambition. From the first few months following the revolution of July, during which Carrel so energetically pronounced for monarchy against a republic, until the month of January, 1832, when he as it were officially unfurled the republican banner in his paper, he was seen to arrive progressively, and by a series of marked gradations, from a state of friendship to a state of hostility; and yet, although the only question was a difference with regard to the means of applying the principle, in which Carrel never changed, namely, the government of the country by the country, the self-government, which was always his motto; still, having before them the fact of so distinct an adhesion to the revolution of 1830, in the outset, people naturally asked how Carrel could have been led so quickly to despair of an institution which he at first considered the best safeguard against anarchy, and the most complete expression of the wishes and wants of France.

I do not think it a failure of respect to the memory of this honourable writer to attribute this change to the combined influence of two different causes: first, doubtlessly, to a sincere conviction of an increasing want of harmony between the progress of the new government and what he believed to be the will of the country; to a sincere conviction of the impossibility that monarchy could face the internal and external crisis, as to the danger and importance of which he was deceived, like many others; and to the conviction, consequently, of the necessity of preparing a more vigorous government to meet a more dangerous position. But, this point admitted, it were, I think, false to justice and to paint a mere *fancy portrait*, not to admit also that ambition had something to do with the new creed of Carrel, the legitimate ambition of a powerful mind which deems itself called to the exercise of power, and feels a natural inclination to condemn as inefficient the power which rejects its aid. And without taking too literally the expression which Carrel made use of with a scornful sneer: "Who knows but they might have had me, if they'd offered me a regiment," it is a permissible supposition that if, in the outset, when he was yet free and sympathised with the new government, he had been offered, instead of a third-class prefecture, a situation more worthy of his activity, and less inferior to that of his old colleagues of the *National*, he might, connected more intimately with the new order of things, have separated from it with greater hesitation; and that even, when the progress of affairs displeasing him obliged him to pass over to the opposition, he would have there supported the constitutional monarchy which he so brilliantly defended for many months.

What is quite certain, is that Carrel was not at all a man of faction—not one of those turbulent and restless minds, for whom any revolution is not complete until it has made authority a mere matter of brute force and of lungs—a premium to those who are best supplied with that quality so highly praised by Danton: “Audacity! audacity! audacity!”

Carrel was certainly not deficient in daring—indeed, he may, perhaps, be accused of having had too much; but he had also qualities far higher than audacity. To a great strength of soul he joined, without speaking here of the honour and the nobleness of his heart—a thorough justness and rectitude of mind; and it was this which rendered him essentially a man of government; it was this which rendered him wholly out of his place amidst the anarchical and incoherent mass into which he had been thrown by the hope of filling a great, a noble part, and which he had in vain laboured to organize, to prepare, not only for the attack upon, and the conquest of, but for the exercise of power: thus, from the day on which he unfurled the republican banner, his life was nothing but a twofold and perpetual combat—almost as vivid, almost as obstinate against the indiscipline of his own party as against the skill of his adversaries. If, on the one hand, as impetuous as determined in attack, and ever ready to risk his own life for the honour of his cause in braving individual danger, he knew how to excite and give enthusiasm, by his devotion, and courage, to the most intelligent and distinguished portion of his party; on the other hand, in his noble horror for all demagogue violence, in his superior good sense, in his proud disdain for all quackery in language and action, for that sanguinary and crude pathos which then won the honours of populace popularity, he presented something essentially the reverse of that fierce and feverish trickstering, that systematic brutality, which has so greatly facilitated the triumph of the monarchy of July over the republican party.

Rejecting each recourse to arms as injurious to the republican cause, and only revenging himself for not being listened to by the noble promptitude with which he always placed himself, after the defeat of his party, between the government and the conquered; persuaded that power accrues to none but only to those who have qualified themselves to exercise it, he incessantly urged upon his party the necessity of first forming *opinions* for itself, and of converting the country instead of forcing it.

Labouring with active solicitude to maintain the rights of liberty and of property, so grossly trampled under foot by the extreme men of the party, he sought to persuade the bourgeoisie that the republic was limited simply to the transmutation of hereditary power into an elective power, with an extension of the right of suffrage; energetically repelling the brutal theories of *la Société des Droits de l'Homme* and of *La Tribune*, efforts of his which, on the part of the grotesque disciples of Marat, brought upon him the accusation of being only a *scondrelly moderate*, an aristocrat worthy of figuring à *la lanterne*, by the side of Lafayette.

There is in the “*Mémoires de M. Gisquet*,” a confidential letter from Carrel to M. Petetin, curious from the revelations it contains as to the internal anarchy which was undermining the republican party. We there see how M. Marats, the editor of the *Tribune*, was forced to fight a duel with a more extreme Jacobin than himself, who accused him of treason for having contented himself with calling Lafayette a *great culprit*.

His detestation of this savage quackery was unconquerable. When a



prisoner at Sainte Pélagie for libel, (January, 1835,) and called upon by his fellow-prisoners to illuminate, like them, the windows of his chamber, in celebration of the anniversary of the execution of Louis XVI., he refused to do so. Hereupon the whole party rushed to his chamber, shouting: "Down with the yellow gloves! down with my lord! Let's hang him!" And, according to M. Gisquet, it required the intervention of the officers and soldiers to preserve from the insults of these furies him who was their chief, as much by talent as by courage, and whose name was esteemed and respected by his adversaries themselves.

Despite all these mortifications, and although Carrel could not conceal from himself that the party which he had thought to call to the government of France was falling daily into greater discredit, he remained in the breach; and when, after excesses of violence and rashness, there appeared symptoms of debility and discouragement, when, repeatedly vanquished in parliament, before the courts of justice, and in the streets, mortally wounded in its most furious organs by numerous condemnations, and on all sides entangled in a net-work of repressive laws, republican opinion seemed to yield to the conviction of its powerlessness, we see him who had preached prudence to the rash and reason to the senseless, endeavouring with equal firmness to encourage hope, perseverance, and ardour in the breast of a demoralized party, to cover it as with a buckler, with the general esteem which his character inspired, and to brave all judicial prosecutions in order to preserve for it, at least in the periodical press, a last banner, a last rallying signal.

The laws of September, by suppressing the discussion of principles in which he delighted to indulge, and from which he hoped much, were very afflicting to Carrel. He endured their yoke with a shuddering impatience; it is even said that his opinions then underwent some very serious modifications—not the less real that they were not strongly insisted upon in his paper. His friends affirm that, dating from this time, and in proportion as, by the effect of these laws, a calm in others came over that former violence of principles which, for the most part, had been merely the result of temperament and heat of blood, his ideas underwent a contrary transmutation; he became less hostile towards recollections and names he had hitherto condemned, or at all events kept aloof from. A reconciliation took place between him and men whom he had formerly rejected as ultras: he exhibited a tendency to limit his principles of *common right* and of *universal liberty*, and began to familiarize himself with the systems of government which dispense with law and justice on the pretext of an overwhelming necessity.

I shall not enter into the details of all his contests with the tribunals; he almost always defended himself in person before juries, and acquitted himself of this task with an able combination of boldness and discretion which often succeeded. Before the house of peers he was less successful, but even there he had brilliant moments. His famous apostrophe to marshal Ney, delivered in a sonorous, vibrating, and solemn voice, so moved the heart of general Excelsmans as to make him forget his character of judge, and to transform him into the champion of Carrel. It was one of the finest efforts of eloquence in our time.

We must now speak of a fault in Carrel, for which France is very indulgent, and which we dare not too severely reproach him with, when we

recollect that it cost him his life. In becoming a man of controversy, Carrel had unfortunately retained the habits of a soldier, and it was one of his weaknesses to suppose himself obliged always to accept from whatever quarter they came, and too frequently himself to seek, occasions for armed conflict. Under the Restoration, he had an hostile meeting with one of the editors of the *Drapeau Blanc*, in which, with an extravagance by no means rare in this kind of affair in press matters, each of the combatants was an utter stranger to the two articles which led to the combat. The discussions to which the captivity of the duchess of Berry gave rise produced a second duel, with swords, between a legitimist and Carrel, in which the latter, after having wounded his adversary, himself received a wound in his chest, which procured him the most flattering testimonies of an almost universal sympathy, and at the same time, on the part of his graver friends, affectionate remonstrances, which he listened to with a smile and met with promises of amendment.

Carrel's idea was, that a journal should make itself respected in the same way that a man of honour does. In this he was so far right. It is, in fact, very singular that two men may every morning say to each other, on a couple of sheets of paper, things which they could not change *viva voce* without immediately afterwards exchanging also shots or sword thrusts. But still, if a man would be respected, he must also respect his adversaries; and Carrel, so susceptible for himself, was too often wanting in moderation and propriety towards others. It seemed, at times, as though out of fear lest the advice of prudence and caution which he addressed to his party, as to matters of collective engagements, should be misinterpreted, he delighted in seeking occasions of personal danger by the most direct provocation to his adversaries; as though while asserting the principle of free discussion, he himself could not endure it, and arrogated an exception in his own person. It was thus that he too often sullied his best polemical pages with excesses of language better suited to a blustering sub-lieutenant than to the chief of a party. So Carrel travelled on a path which must one day end in some catastrophe; a catastrophe occurring at a time when there was reason to hope that the greatest dangers of this kind had passed over; as it were, at the end of the battle, when the heat of parties at war for six years past was gradually subsiding, and, to crown the misfortune, upon a question which, in reality, concerned neither the person nor the principles of Carrel.

A new paper, *La Presse*, was founded in 1836, at a price far below that of any other paper hitherto known; the originator, M. Emile de Girardin, published prospectuses in which, as usual, he represented his journal as infinitely superior to all others. A journalist then connected with the *Bon Sens*, and who afterwards became intimate with M. de Girardin and one of the editors of *La Presse*, thought proper to write a series of articles in which M. de Girardin and his enterprise were assailed with vehement personal abuse. The founder of *La Presse* brought an action for defamation against the publisher of the *Bon Sens*.

Carrel, after having at first refused to interfere in a quarrel of this nature, yielding to the solicitations of the editor of the *Bon Sens*, published in the *National* a brief paragraph, in which, after expressing his "contempt" for the prospectus of M. de Girardin, he severely blamed the latter for having recourse to a court of justice to defend himself from attacks upon his en-



terprise. M. de Girardin the next day answered in the *Presse* in the following terms :

"The reproach of the *National* is deficient in the good faith attributed to the character of M. Carrel. Doubtless that reproach could have been merited if the *Bon Sens* had confined itself to a critical and close investigation of the economical basis upon which *La Presse* is established ; but it was not so : the most odious and personal accusations were heaped upon M. de Girardin."

Then replying generally to the attacks directed against him personally by various papers, M. de Girardin threatened them with employing the same means against them, and ended by an allusion, applicable not in the least to Carrel, but to one of his friends, another editor of the *National*, then in a state of bankruptcy as head of some commercial enterprise.

Such is the exact summary of the facts which led Carrel once more to expose his life to the chances of a duel. Immediately after reading the article in *La Presse* he proceeded to the house of M. de Girardin, accompanied by the friend in question, who was more concerned in the matter than he. I shall not enter into a detailed account of the conversation which ensued, and the particulars of which are variously reported. All accounts concur in saying that the affair seemed on the point of an amicable arrangement by means of an explanatory note which the two papers were to publish ; but M. de Girardin desired that the publication of this note should be simultaneous, while Carrel wished it to be published in the *Presse* first, and then copied into the *National*. It was upon this trifling difference that Carrel, unable to obtain the concession he required, arose and broke off the conference, by saying : "I am the offended party, I choose the pistol."

The duel took place next morning, the 22nd of July, 1836, in the Bois de Vincennes. The adversaries, advancing towards each other, fired at the same moment, and both fell wounded, M. de Girardin in the thigh, and Carrel in the groin. The first care of Carrel, ever as kind-hearted after the combat as prompt to take offence, was to inquire whether his adversary suffered much ; but on the first examination of the surgeons, his own wound was judged to be far more serious. He was taken to the village of Saint Mandé, to the house of one of his old comrades of the military school, and here, after two days of cruel sufferings, after a strange and eloquent fit of delirium, the dying agony of a poet and of a soldier, here, in the house of a friend, whose effaced reminiscence thus reappeared in the last moment, as a memory of youth, here Carrel expired on the 24th of July, at five in the morning, in all the strength of talent and of life, for he was but thirty-six.

This death, so premature, so unforeseen, was received with public mourning ; the papers of every opinion united in the expression of the same sentiments. Obsequies, as imposing from the immense concourse, as from the rank, and the sincere grief of those present, testified the sorrow of France, and the humble churchyard of Saint Mandé acquired an historical renown by receiving among its obscure tombs this illustrious sepulchre. It is indicated to the visitor by a bronze statue, from the chisel of David (d'Angers), representing Carrel standing erect, the right arm extended before him, his head slightly thrown back, in the haughty attitude he bore when he evoked the shade of marshal Ney before the house of lords.

Amidst the modifications which time and events produce in the field of controversy, in the order of the battle of opinions, and in the disposition of the combatants, no one can say what course would have been followed, what influence would have been exercised by a man whose most intimate, most precious qualities, those which far more than suffice to redeem some few faults, were above all the purest disinterestedness and most perfect honour.

It has been said that in the latter part of his life, Carrel, weary of the daily and barren struggle against paltry facts more powerful than himself, thought of resuming his historical labours, and that he was preparing to write a history of Napoleon. Such a work by such a man would assuredly have been no common production.

In another direction, the senate tempted him; he had already in vain sought access there; but its doors would have not remained long closed to him, and there a new career opened itself, where he would unquestionably have enlarged his sphere of action, and completed his destiny.

In a word, the life of Carrel resembles one of those unfinished monuments whose fragmentary beauties serve only to embitter the regret that we may not contemplate the stupendous whole.

In private life, the illustrious editor of the *National* was, by the universal statement of his friends, a being estimable for goodness of heart, for generosity, for devotedness and attachment. Bitter as was his pen, tenacious as was his pride as a public man, in society he was frank, gentle, agreeable, full of indulgence and good nature. With a Roman integrity as to money or political intrigue, he combined the grace, the simple and elegant urbanity of a French gentleman of the olden time.

Carrel died unmarried.

(*Galerie des Contemporains Illustres.*)

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# HISTORY

## OF

### THE COUNTER-REVOLUTION

In England,

UNDER CHARLES II. AND JAMES II.

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#### INTRODUCTION.

THE counter-revolution to which the two kings, Charles II. and James II., had the misfortune to attach the destinies of their family, was the last resistance opposed in England by the royal power to the establishment of the popular government. The twenty-eight years during which this power did violence to opinions, to interests, and to wants which had been made manifest by the overthrow of the ancient order of things, have been erroneously regarded as a time of degradation with the English nation. 1660-18

She had obeyed powerful necessity in resuming as masters the sons of him whom the revolution had conquered and killed; she had recalled them without taking due precautions, without exacting from them that they should acknowledge her rights as she acknowledged theirs. 1649, 1650

Thence arose a new quarrel; power again sought to be absolute; the same beliefs and the same opinions which had once overthrown it, again resisted it; but, rendered less ardent by the results of their former errors, they resisted with other arms, and took their station upon a battle field which would confer less lustre on resistance.

This battle field was that of legality: the nation in disputing it inch by inch learned better to know it. To main-

tain herself there, she rejected those blind forces which could not be plied to rational warfare; she even upheld the restoration against men who regretted the republic, and sacrificed these in order to preserve those results of the revolution which she wished to see adopted by the reigning family.

The Stuarts might well have accommodated themselves to this system; there was against them party hatred, but no national antipathy; yet they fell a second time.

As if there were in this denouement of the English counter-revolution a salutary lesson for the time in which we live, we turn with a lively curiosity towards the space which intervened between the recal of the Stuarts and their second fall. We would know why the existence of that royal house had become incompatible with the interests of England; why its second downfall was effected with such a strange facility, so little trouble or shock.

Was this catastrophe written in the laws of a predestination of ill fortune attached to the race of the Stuarts? or was it the effect of a combination of external events fortuitously united against them?

I will reply by exhibiting the English counter-revolution in its progress, its various modes of action, and the ever increasing train of its pretensions. Thus the result will be shown in its causes.

We shall see that the Stuarts did not fall beneath an influence hostile to royalty; that they had always on their side the enlightened and acting mass, that interested in the cause of repose and order, whenever the remnant of the religious and political parties, the last comers in the revolution, endeavoured by agitation to restore a state of things in opposition to the elements of which society was composed.

For every question of political form has its data in the state of society, and nowhere else; and thus the brief existence of the republic in England had been nothing but a compulsory deviation from the constitutional track which the nation had marked out, and so long followed. Of its own motion, the nation had re-entered this beloved track when she recalled the Stuarts, and she thus left them nothing to do against the revolution, properly so called. There still remained the liberties achieved by the revolution, but demanded long before it; the nation was ready with pride to hold these of her kings;

willing to forget that it had wrested the power from those kings only by main force.

It was upon these liberties that the restoration made war. It brought them into question one after the other, and wished to reascend, one by one, the steps which the royal power had descended, from century to century, in order to reconcile its existence with that of new interests.

Thus the counter-revolution taught the English people that their liberties were incompatible with enforced royalty, and that to preserve royalty with advantage, it must be regenerated, that is to say, must be separated from the principle of legitimacy.

Without previously attaining an exact idea of that past in which the restoration sought an imaginary order of things, we could neither comprehend it, nor follow it in its retrograde march, without direction as without term. I have therefore thought that, before we come to the counter-revolution, it is indispensable to place before you both the revolution and its most distant antecedents. When, at the conclusion of this history, we shall come to the last and inevitable developments of the reaction under a Jesuit king, we shall see whether I have gone too far back in my inquiries.

I. In the system of political guarantees which England defended against the two last Stuarts, there remained nothing anterior to the Norman conquest. The captains and soldiers of William, in imperiously establishing themselves 1066. as great and petty feudal sovereigns in the midst of the Saxon nation, at once deprived it of property in the soil, and of its ancient political and religious organization. The imperfect fusion of the two races for a long time kept alive the hatreds arising from difference of origin, with those which, under the feudal regime, everywhere arose from the difference of conditions. Still, from the middle of the twelfth century, the state of things established by the conquest had produced its habits; the struggle between the conquerors and the conquered had no longer for its object the possession of the soil, but the necessity of regulating for all, the relations of masterdom and of servitude. The descendants of the conquerors and of the vanquished of Hastings already caused dread abroad by the formidable alliance of their warlike qualities, and all the men born in England began to look



upon themselves as forming but one people. This quality of native born Englishmen decidedly prevailed over the distinctions of the conquest,—when a vast continental reaction drove to the court of William's fifth successor those who, in the provinces of western and southern Gaul, were for the Anglo-Norman domination. King John received his foreign subjects,—or those born out of England,—in a manner which gave every reason to fear a total subversion of the feudal distribution of the country. The bishops, the barons, the petty feudatories of Norman descent, the inhabitants of the towns, already forming the mixed Anglo-Norman race, and the serfs of Saxon origin, dreaded the enterprising poverty of the new comers, and leagued against them. The obstinacy and perseverance of John and his successors in encouraging and enriching these foreigners, Poitevins, Bretons, French, and Gascons, strengthened the tie of nationality among the natives, and produced against feudal royalty, which had been so strongly constituted by William,—insurrections which occupied the whole of the thirteenth century. The first and most formidable compelled the royal power to

1215. the concession known by the name of Magna Charta.

This was a victory almost entirely aristocratic; but the Anglo-Norman citizens and the Saxon serfs profited by the part they had taken in it. Several articles of the great charter assured to the large towns certain franchises favourable to commerce,—and to the rural serfs a first step in property, that of oxen and of the instruments of labour,—by means of

1264. which they gained their bread. The last insurrection,

under Simon de Montfort,—bore the same character; the barons again humbled the royal power, but the inhabitants of towns and boroughs, as the price of their co-operation, and in consequence of the progress which the first concessions had already enabled them to make, began to be counted as something in the State. Thenceforward, forming a class,—under the general name of commons,—they were summoned to appear in the council where the bishops and the barons assembled of right, three times a year, to deliberate upon public affairs.

Favoured by the continental wars, which, under the three first Edwards, gave an external direction to the activity and force of the aristocracy, the results of the great insurrections

fructified for the commons. Whilst the seignorial power was exhausting itself, was wearing itself out at a distance, the citizens, working (and paying) more and more, were more frequently called upon *to come and learn in parliament what was being done for the interests of all*. The kings and the barons, in order to have their support in wars, ruinous in their results though brilliantly successful in themselves, were interested in favouring their rising industry.

The same causes at the same time rendered the condition of the country villeins harder than in past periods. The distant expeditions, combined with the progress of luxury, obliged the seigneurs, whether they resided on their estates, or had them administered during their absence, to weigh still more heavy than ever with corvees and taxes upon those whom they called their *naiifs* (born upon their lands). Complaint at length arose, and became as general as the evil which called it forth. The lot of the oppressed interested people less unfortunate and less ignorant than they; priests, tradesmen dwelling in the towns, and enjoying privileges as such. Brief pamphlets were zealously distributed around the feudal halls; popular proverbs, serving to disguise appeals to insurrection, flew from mouth to mouth; associations of serfs were formed in all directions; a vague memory was awakened of the event which had imposed the foreign yoke; an admirable instinct taught the oppressed that it was to royal authority they must appeal from the tyranny of the barons, and all at once, an hundred thousand men, an advanced guard of several millions of serfs, covered the roads which from the various counties led to London. The young king Richard II. came in person to hear their complaints. The chiefs held daring conferences with him. He granted them charters which enfranchised all the serfs of England, their children, and their goods. These charters, without a means of compelling the seignorial authority to respect them, were but vain concessions; the insurgents demanded guarantees. But while they hesitated, some wishing to stand firm, the rest to retire, the barons, who at first had concealed themselves, recovered from their terror. They hastened from the country round London; and, under pretext of danger incurred by the king, whilst he parleyed with the insurgents, fell upon them,

1381.



and forced them to fly in all directions. Richard II. revoked his charters, and everything returned to the order established by the conquest.

The serfs were not destined to obtain their liberty until the seignorial authority felt, in its turn, the necessity of granting it to them. The eighty-three years that elapsed between the reign of Richard II. and that of Henry VII. witnessed the commencement of gradual emancipation, during the wars which made Bedford regent of France, and its continuation, amidst the commotions caused by the rivalry of the houses of York and Lancaster. The nobles, continually involved in war expenditure, were obliged by their necessities to acknowledge that rents in kind, so vexatious to the villeins, were unprofitable to themselves; that lands and flocks prospered better in the hands of farmers who were sure of just returns for their industry, than in those of serfs, idle because they had no interest in the matter. By degrees, they came to prefer hired to compulsory services. Individual enfranchisements were multiplied, as is shown by a multitude of acts drawn up in the fourteenth and fifteenth centuries; in this form given by the historian of the Norman conquest: "Know that we have freed from all yoke of servitude, so and so, our *naifs* of such and such a manor, them and their children born and to be born."

These partial emancipations by degrees approximated the condition of the peasants to that of the citizens, as the royal concessions had placed the privileges of the citizens near to the prerogatives of the military and ecclesiastical nobility; and, on account of the difference of position, the circumstances which enforced the enfranchisement of the serfs did still more for the increasing importance of the citizens. Their progress was manifested in the different attitude assumed by their representatives in parliament. These, in the outset, had obeyed with repugnance the order which summoned them to come and declare if the commons were able or not to support such and such charges or taxes. They joined to the at first altogether humble expression of their opinion, petitions tending to enforce (or limit) it. These petitions became an established usage, and, unperceived by the citizens, a commencement of participation in legislative authority in matters of taxation. Instead of a simple opinion, it was, by and bye,

a consent which they gave. The epoch at which French, which they did not understand, ceased to be spoken in the annual council of the three orders, was without doubt that in which they were admitted to a practical share in the management of affairs. A further step was indicated by the separation of the parliament into two chambers: the one composed of the high clergy,—the earls and barons convoked by royal summons; the other of petty feudatories and citizens of towns,—elected by their peers. In the parliament thus divided, the aristocratic element constantly prevailed throughout the course of the external wars and civil troubles which occupied the fifteenth century. It was, at this time, the upper chamber,—which, in virtue of its composition, playing the part of a feudal diet, made and unmade so many kings,—exacted oaths from some,—claimed to regulate the conduct of others, ejected ministers, replaced them by others of their own choice, and in a word, created against royalty the many precedents which were afterwards to destroy it. The lower chamber, tacitly assenting to these attacks, in which it did not as yet feel any interest, solely applied itself to the maintaining its right of consenting to taxes. The right of discussing them, under its higher points of view, accrued to it with the growing practical importance given to its members by the financial skill acquired in the management of private interests. In 1355,—the lower chamber had already sufficient liberty to dare to say, that the portion of the public burdens paid by the commons was too great, and to demand what they did not obtain, that the revenues of the clergy should be applied to the general expenses. Towards the year 1470, the war of the two Roses,—so ruinous and destructive to the aristocracy,—drawing near its close, the preamble of all the parliamentary acts began to run thus: “Given by the king and by the lords,—with the consent of the commons.”

II. It was by this consent that Henry VII., the first of the Tudors, ascended the throne; and he maintained himself in it, not because he united in his person the rights of the two rival branches, but because he was the man of all others necessary to the accomplishment of a revolution, which the disastrous quarrel of the two Roses had prepared. More than a million of men had perished in this thirty years' war; the mortality had

1485.

1485  
to  
1509



been especially excessive amongst the ranks of the nobles,<sup>1</sup> and the survivors were half ruined: thus the social power no longer resided in the aristocracy, which was so recently the exclusive proprietor of the soil. By the breaking up of the great domains, they passed to the petty nobles, the citizens, the yeomanry, eager and able to acquire all that the great lords could no longer retain. As to political power, the high nobility lost it with their territorial property; nor was it the disunited commons, ignorant of their own power and position, requiring as yet only to obey and be safe, and not desiring to govern for themselves and by themselves, who could dream of exercising this power: this ambition befitted royalty alone; and to realise it, the alliance formerly contemned by Richard II. now offered itself to Henry VII., rendered practicable by time. He accepted, comprehended it, and became all powerful.

1485 Bred up in feudal anarchy, this king had always  
 to detested it. He made laws to hasten the dissolution  
 1509. of the conquering society. He allowed the great families to sell their domains, despite the entails with which they were burdened; he gave offices to those who from want of money divested themselves of estates; he essayed to ruin, by processes, those who persisted in retaining them. He armed against them the famous tribunal known by the name of the Star Chamber, and had adjudged to himself those large fortunes which gave him uneasiness. He forbade the nobles to have those numerous troops of people wearing their livery, who became armies in their coalitions against each other, or against royalty. He not only allowed the petty feudatories and citizens to redeem at a low price their dependence on the ancient manors, but he frequently lent them money to make such acquisitions, or to assist them in their commercial speculations. He employed a great number of architects, not as his predecessors by corvée, but by selection, the reward of a new emulation. The monuments of his time prove that instead of adhering to a fixed sum for the days' labour, to all alike, he began to distinguish talent by higher payment and honour. During his

<sup>1</sup> In the parliament preceding the outbreak of the war of the two Roses, fifty-three peers, besides bishops, took their seats in the upper chamber. In the first parliament of Henry VII. their number had fallen to twenty-five; by new creations he raised it to forty.



reign, the parliaments were held in subjection; but this institution was still entirely aristocratic, and far from becoming threatening as a popular institution. Condemnations decimated and ruined the upper chamber; the lower chamber, in comparison with this, thought itself fortunate in being merely the object of haughty dictation. It augmented its material greatness in silence. When under Henry VIII. it was tempted to resume the hardy language it once could use when the high chamber set it the example, Henry VIII. dispensed with it during seven years, and, arbitrarily levying taxes, showed it how very far the importance of its consent was from being understood by the nation. 1523-1528

When the upper chamber, recruited with parvenus, enriched by Henry VII. and Henry VIII., was composed of members who owed all to the court, or who knew that they could lose all by it, it was this chamber which still gave to that of the commons, instead of the example of successful temerity against royalty, that of abject obedience and blind submission, recompensed, and sometimes despised by the capricious despot. In the royal sittings under Henry VIII., the commons standing, according to the ancient custom, learned from the peers who were seated before them and faced the throne, to bow down to the ground every time that the name of the monarch, who was present, carelessly stretched at his ease, passed the lips of the ministers. And these, all of them men of low birth, and the vilest of flatterers, no longer occupied the ancient national council with public affairs, but solely with the virtues of the king. The lords, holding all by grace and favour, no longer thought of finding the demands of subsidies too great, and the commons, although they were interested in giving little, 1509 dared not differ from their ancient chiefs. The great to social existence of the upper chamber being thus re- 1603 placed by a political condition fixed by royalty, and dependent upon it, the parliament remained in this state of subservience so long as the work of aggrandisement, which alone could give weight to legal protests, and the apprenticeship necessary to acquire the proper use of these new arms, remained unaccomplished by the petty nobles and the citizens represented in the lower chamber. This progress became strongly developed during the six years of protectorate which succeeded the reign of Henry VIII. The lower chamber, in assigning to the crown the regular revenue, entitled poundage and ton-

nage, energetically opposed the levying of arbitrary taxes, sought to protect itself from the laws which it had allowed to be made against the aristocracy, and revised the odious chapter of treasons against the crown. Aided in this by the upper chamber, it decreed that mere words could never constitute this crime, so common under the preceding reigns; and that as to acts, they must be proved by two witnesses of known credit.

Under Elizabeth, the same progress continued but less visibly; and, despite the still living gratitude of England, it was not the work of this queen. Like her father, employed in regenerating, to the profit of the crown, the aristocracy despoiled and borne down by her grandfather, she was rigorous towards the middle classes, who threatened to become preponderant. She possessed sufficient energy and wisdom to fashion them to monarchical society, before they conceived the idea that there might be a better substitute for feudal society. To avoid disputes with them in parliament, she rarely demanded subsidies from them, and by continual alienation of the royal domains, impoverished the crown, whilst the daring spirit, the novelty and success of commercial speculations, elevated the nation to a degree of splendour hitherto unknown. The depredations called benevolences, free-gifts, and purveyances, did not stay the luxuriant vigour in this direction; but the tyrannical laws made under the preceding reigns against the aristocracy, prevented this vigour from directing itself to state affairs, and from demanding an account of the profusion of the court which it supported. From the first years of the following reign, we may judge of the extent to which the despotic daughter of Henry VIII. had subdued the spirit of her time; consciences alone spoke, and complained and spake out as was fitting. Laying aside vain lamentations, they attacked the royal power in its source and in its abuses.

III. As if in this history each of the epochs marked by progress bore in itself the germ of the progress which was to follow, the courage which was about to be shown by consciences in attacking the royal power, was the fruits of the efforts which royalty itself had made to render itself absolute. Henry VIII., jealous of a respected



and powerful clergy, who acknowledged a foreign master in order to have no master in England, had violently plunged the nation into a schism which substituted himself as chief of the church in place of the pope. The ecclesiastical hierarchy was in part preserved,—with its great possessions<sup>1</sup> by acknowledging the religious supremacy, and proclaiming the infallibility of the new chief who had imposed himself upon it; the lower clergy, freed from celibacy, and preserving its immunities and tithes, had submitted. The religious orders had resisted, strong in their immense riches and in the superstition of the people. Henry VIII. had deprived them of their fine establishments, their ancient and peaceful domains, their treasures, the fruits of pious legacies, of illustrious alms, and of the popular tribute of indulgences. 1509

With these spoils he enriched the courtiers of the upper house and the docile purchasers in the lower house; 1603

he had thus founded his reformation upon an immovable temporal basis,—upon the interests of a full third of the landed proprietors of that period. But by printing the Old Testament,—forbidden by the Romish church, by holding up to scorn and contempt the monastic impostures and turpitude,—and by reasoning against those whose scruples arrested them on the threshold of the new church, he had given rise to, or favoured in their birth, wishes for a more energetic reform, and soon saw himself outstripped by sectaries who, with Bible in hand, demanded the abolition of episcopacy,—condemned religious supremacy in a king as in a pope,—and of the ancient ecclesiastical constitution desired to retain only the priesthood. These were the puritans or presbyterians.

Aided by the upper chamber, the protectorate, during the minority of the son of Henry VIII. and Jane Seymour, sustained against them and against the catholics the royal work compromised in its birth by its own means. The persecution which destroyed and pillaged, under the general name of non-

<sup>1</sup> Of sixty-two spiritual peers, thirty-six were expelled from the upper house. The number of the temporal lords was increased, under the same reign, to fifty-one. The number of knights of shires in the lower house was rather less than eighty; that of the deputies of cities and towns, having right of election, was extremely variable; power began to fear their presence.

conformists, and without exception of creed, those who refused to acknowledge the religious supremacy of the king, drew from all the various sects, united in a common resistance, one simultaneous cry for justice. This cry, *Liberty of conscience!* was, unknown to themselves, the first declaration of a principle always invoked by the persecuted sects, always violated by them in their transient triumphs. During the protectorate was seen a popular insurrection at once puritanical and catholic, proclaiming the right of religious opinion. A tanner, the chief of the revolt, proclaimed, in his appeal to arms, that no man could impose upon another his doctrine and worship. The same proclamations for the first time mingled political attacks with religious complaints; they called upon the commons to rise out of their degradation, and to free themselves from the tyranny of the rich.

At the accession of the catholic queen Mary, the spirit of religious reform, which was to draw from the Bible so many formidable arguments against political order, manifested itself still more energetically; the puritans wrote and publicly maintained that the daughter of Catherine of Arragon and Henry VIII. could not reign, because it is said in the Old Testament, that "the king shall be chosen from among the brothers." The parliament was obliged to declare that the royal prerogatives were the same under a queen as under a king. The religious counter-revolution under queen Mary was another step towards political revolution. All powerful as was this queen by her alliance on the continent and by her marriage with Philip II., she could not bring the parliament to declare the re-establishment of catholicism without restoring to this body a part of its ancient importance. Her father had transmitted to her religious supremacy, combined with arbitrary political power; she destroyed this unity of

the royal will. In order to overthrow the Reformation, which served as a basis to religious supremacy, she was obliged to alienate a vast portion of arbitrary power.

Not daring to command, she made an exchange; she gave security to the possessors of ecclesiastical property, and contented herself with bestowing on the despoiled monks, whom she meant to re-establish, an indemnity too feeble to restore their lost power, but sufficient to authorize in the parliamentary discussions the murmurs of the upper house



and the loud complaints of the lower chamber. During this reign, it was no longer the catholics but those who had adopted the Reformation of Henry VIII. who suffered with the puritans. The necessary result,—for the two protestant sects, from the community of dangers and interests occurred: the most energetic influenced,—dominated,—and almost wholly subjected the other. So early as the year 1571, the thirteenth of the reign of Elizabeth, the majority of the lower chamber was composed of the enemies of prelacy. A member, a declared puritan, demanded a more complete religious reform. His motion was not discussed, and the queen ordered him not to appear again in the chamber. He was disposed to obey this order; but during his absence his friends maintained that simply incurring the queen's displeasure was not sufficient to deprive a deputy of the character with which election had invested him. An animated debate took place upon the privileges of the lower chamber, the court was 1509 forced to yield, and the excluded member was greeted to 1605 with loud applause upon resuming his seat.

This manifestation,—and others of the same kind,—contributed as much as the natural pride of Elizabeth to inspire her with a strong aversion to parliamentary forms. The puritans wrote against her, and, persecuted as they were, made active war against her by means of the legal press, and afterwards, when this was closely restricted, by means of the clandestine press. The religious tribunal, the court of high commission, and the political tribunal so dreaded under the name of the Star Chamber, took cognizance indifferently of the crimes created by these attacks; people were held guilty of high treason for professing the puritan creed, and guilty of sacrilege for blaming the acts of the queen's government. Power no longer defending its two great attributes, temporal and spiritual, by the arm proper to each, but striking both at once,—the confusion necessarily occasioned acts of violence on refusal of obedience. The proselytism of the Holy Scriptures spread itself; the nation, as it became better informed, reasoned more closely; the experience of every day proved that the dogma of religious supremacy could only be sustained by the excess of political tyranny. It was, then, only by the overthrow of the latter that the partisans of the pure reformation could hope for the triumph of their convictions.



1509  
to  
1603. The penetrating eye of Elizabeth did not perhaps perceive in its most daring results the actual situation of the nonconforming protestants; yet, even during her life, they began to declare that kings, in the eyes of Jesus Christ, were no more than the least of their subjects; that if their religious supremacy was derived from their political authority, this sovereignty over persons and consciences was nowhere to be found in the divine law. These blasphemies against power, but half developed as they were, gave Elizabeth that vivid alarm which troubled her last moments; but she prudently refrained from arguing with those who opposed texts of scripture to the texts of her ordinances, which, said they, were human laws, and, as such, subject to the common imperfection.

IV. However, royalty could not long be thus attacked at its root without feeling the necessity of clearly defining itself; the brutal law of force no longer sufficed it, as under Henry VIII.; it was necessary for it to put forth a learned theory, in the order of considerations upon which the spirit of examination began to be exercised. This dangerous lot fell to the son of Mary Stuart, who was called to succeed to Elizabeth, and he employed all the frivolous pedantry and love for the subtleties of theology with which nature had endowed him, in everywhere provoking the discussion which Elizabeth had endeavoured to prevent.

James I. united to the crown of England that of Scotland, which was already too heavy for his head. That which in England was desired by the partizans of the pure reformation, James had left established in his kingdom of Scotland. There religious reform arising from the people, had been more energetic than in England, where it was the work of the monarch. The Scotch reformers, disciples of Calvin, had with one and the same blow destroyed papal domination and the ecclesiastical hierarchy. Royal power had vainly struggled against them under the widow of James V., under Mary Stuart, and during the stormy minority of James VI. The latter, now king of England, under the title of James I., had in Scotland been obliged to consent to the destruction of episcopacy and the establishment of a new church, composed of presbyteries, provincial synods, and grand councils. These various assemblies united among themselves in a certain order of de-

pendence, had also formed in the state a sort of religious republic, with pulpits for tribunes, churches for parliament houses, and for law the Old Testament, expounded in favour of the weak against the strong. Thenceforth, in Scotland, the nobles and kings had been incessantly anathematised, not as governing ill, but as creating scandal by their impiety and their dissolute conduct.

The English puritans went still further, persecution and their more advanced state of civilization having brought them to a more daring and more enlightened investigation. On the arrival of James I., they imagined that his accession would be a religious era for them; and amid the rejoicings at his installation, assailed him with petitions in favour of the Scottish worship. But James, already aware of the tendency of presbyterian doctrines; "Go," said he, to the English puritans, "your belief agrees with monarchy as God does with the devil. No bishops, no king." Thus, far from wishing to aid in the destruction of episcopacy in England, he at once formed the project of restoring it in Scotland, and of establishing the Anglican worship, in both his kingdoms. In order to bring the two nations to this religious conformity, he started his Divine Right, a term new to the English, and he occupied the whole of his reign in dissertations destined to teach them what they were to understand by it; he made a distinction between kings *in abstracto*, to whom it was permitted to do what they pleased, and those *in concreto*, who were obliged (as he said) to govern according to the laws of the country, but obliged only by their consciences. He was quite willing, in his graciousness, to be a king of the latter class, so that nothing further was required of him; "for," said he, "to contest the power of kings, is to dispute the power of God."

1603  
to  
1621

The bishops eager to grant to the royal power that which they in time desired to obtain from it, became the champions of his doctrine. The religious supremacy of kings began to be irksome to them; to free themselves from the state of dependence in which it placed them, they sought to find in the divine law their own right written side by side with that which James attributed to himself, and the king sanctioned in them these lofty pretensions. The better to struggle against the progress of presbyterian doctrines, it suited him to



derive from one common source the authority of kings and that of bishops. Their political aggrandisement, their more ample participation in high offices, was the result of this system, but at the same time it was a grave offence to the temporal lords who sat with them in the upper chamber. To support his ridiculous invention, James at the same time made innovations in the Anglican church: he, indeed, only desired to mark more distinctly the separation between the reformation of Henry VIII. and that of the puritans; but all the adherents of the Anglican church exclaimed that he wanted to return to the Roman idolatry. They understood by this, Catholicism; and the recent gunpowder plot had for ever rendered this religion execrable to all classes of the nation.

As to the lower chamber, whose aversion to prelacy had already been manifested during the preceding reign, James had no sooner propounded to it his doctrine of divine right, than it plunged into this new field of discussion, full of resolution, and piously excited by the example of the monarch, to discuss the moral titles of royalty. The more ardent presbyterians zealously exercising the utmost of a vain and pedantic science, wearied themselves for a long time in their attempts to attain the

height of James's incomprehensible arguments; but the  
 1603 more intelligent members who sat among them, kept  
 to their attention fixed on the positive and easily accessible  
 1621. questions which arose from the proposition itself. If the king really held from God this absolute power which he desired to share with the bishops, what was the law? what was the parliament which concurred in making the law? What difference was there between laws discussed in parliament, and royal ordinances promulgated in the absence of parliament? Was the object of these ordinances simply to prescribe the execution of the laws made by parliament, or did they emanate from a legislative authority superior to all parliamentary deliberation? Were the subjects under the obligation of paying the taxes imposed by the royal ordinances? If so, whence the custom of demanding subsidies in the house of commons? Was this chamber simply a consulting assembly with which the king could dispense, or one which was to instruct him as to the interests of the people? And, according as the assembly held its powers from the king or the nation, was it the king's ministers or the magistrates elected by the towns and

boroughs, in virtue of their charters, who were to send forth the writs of election? By an inevitable concatenation, each of these questions involved a crowd of other questions, and thus for the first time the government was challenged in all its parts, the administration in its most minute details. Having once taken this ground, the house of commons was kept there by those who had conducted it thither, and who thenceforth were in the position to direct it. Converting into an historical question, the religious question of Divine Right, the parliamentary opposition armed itself with all the testimonies presented by past times against the present pretensions of royal power and favourable to its own claims. Then were asserted, as the common heritage of the two chambers, all the acts which recalled the ancient power of the upper chamber; then were elevated into fundamental principles, into distinct attributes, into inviolable privileges, simple forms before regarded as indifferent, but now better appreciated. Points unperceived during the former existence of parliament, became of the utmost importance in fixing its career for the future, and the opposition hastened to seize them, in order to engage more surely in the contest provoked by James I.

The chamber became enlightened by this laborious research after facts; men were formed in its bosom of great tact in discovering, of great ability in drawing conclusions from them. James repented that he had commenced a discussion which, in spite of him, took this direction; he grew weary of not being able to reply, and when it was too late, sought to impose silence. He dissolved the parliament of 1621, and with his own hands destroyed the journals of the commons; but three years afterwards, he was obliged to acknowledge the privileges of the lower chamber, as inscribed in these journals, and from that time forth it 1621. became a maxim of the constitution: "That the liberties, franchises, privileges and jurisdictions of parliament, are the ancient and undoubted birthright and inheritance of the subjects of England, and that the arduous and urgent affairs concerning the king, state, and defence of the realm, and of the church of England, and of the maintenance and making laws, and redress of mischiefs and grievances, which daily happen within this realm, are proper subjects and matters of counsel



and debate in parliament. That in handling and proceeding in such business, every member of parliament hath, and of right ought to have, freedom of speech to propound, treat, reason, and bring the same to conclusion. That the commons in parliament have likewise liberty and freedom to treat of these matters, in such order as in their judgments shall seem fittest. That every member of the said house hath like freedom from all impeachment,—imprisonment,—and molestation, other than by censure of the house itself, for or concerning any speaking, reasoning, or declaring of any matter or matters touching the parliament or parliament business. And that if any of the said members be complained of or questioned for anything done or said in parliament, the same is to be showed to the king, by the advice and consent of all the commons assembled in parliament, before the king give credit to any private information.”

V. It was under the existence of the same circumstances which had compelled James, in the last year of his reign, to alienate this immense portion of absolute power, that is to say, in the midst of embarrassments caused by a disordered administration, the expensive caprices of the favourite Buckingham, a minister odious to England, and the ill-success of a war rashly undertaken and still more foolishly conducted, that

1621 Charles I. assembled his first parliament. The commons  
to did not hesitate, in pursuance of their recently acknow-  
1628. ledged right, to demand an account of the state of affairs,  
both external and internal. Charles at first hesitated to contest this right; but soon becoming dissatisfied, he decided upon governing alone, ordered levies of taxes, and re-established the monopolies which James had in some measure abandoned. He had adopted his father's doctrine of Divine right, and his plans in favour of the episcopacy; but more in earnest and more firm than he, he desired to impose as a master that which James had sought to establish as a sophist. At least, until his time, absolute kings had managed to retain in their interests those magistrates who, in the extraordinary tribunals, in the high courts of Westminster, and in the inferior courts, sanctioned despotism by condemning even complaints raised against it. They formed a body, formidable despite their corruption, brought near to the nobility by their riches, and placed by their education in a position above the middle

class. Charles, by introducing the bishops into high judicial functions, even to the exclusion of nearly one-half the laymen who had formerly exercised them, turned against his government that talent and skill which had so long been exercised in torturing every law in favour of despotism, and in substituting judicial fictions for justice.

The discontent of the lawyers then was added to that of the great lords, enemies of the bishops, to the legitimate fears of the wealthy members of the Anglican church, nobles, and citizens, to the enlightened views of a society which began to study the ancients, to appreciate the genius of Shakespere, the learned science of Bacon, and the arts of modern Italy; lastly, to the need of security, felt by the powerful commercial companies which already rivalled the Dutch and the Spaniards in the two Indies. At the head of the religious enemies of absolute power, and opposed to the bishops and the blind courtiers whose support had driven royalty on to this rock, a legitimate aristocracy was formed, that of talents, of enlightenment, and of patriotism adorning birth and riches; most conveniently placed to serve as the organ of national interests, speaking at need the language of the court, and competent to treat with it on terms of equality. The better informed portion of the upper house,—and the rich and titled portion of the lower chamber, represented in the parliament of 1628 that power formed of new elements and old forces, which from the state passed to the nation. 1628. Little mattered it now that Charles I. convoking, despite his own feelings, this parliament, and declaring to it his indigence, added, that he knew where to obtain money, and only asked for it in order to manifest his royal condescension. The attributes of the commons were now defined, and it was for the people to make them respected by exercising their rights, and refusing to pay taxes which were not sanctioned by the commons. The famous Petition of Right was, in this respect, a recommendation addressed to the people; it was for the national liberties what the act of 1621 had been for the privileges of the commons. Its numerous clauses, established by a long enumeration of ancient acts and statutes, that nothing new was claimed, and the claim itself was the expression of that which the wants and interests of England at this epoch most imperiously called for.



“We demand,” said the commons, “that no man hereafter be compelled to make or yield any gift, token, benevolence, tax, or such like charge, without common consent by act of parliament; and

“That none else be called to make answer, or take such oath, or to give attendance, or be confined or otherwise molested or disquieted concerning the same, or for refusal thereof; and

“That no freeman, in any such manner as is before-mentioned, be imprisoned or detained; and

“That your majesty will be pleased to remove the said soldiers and mariners quartered in the different counties, and lodged in men’s houses against their will, and that your people may not be so burdened in time to come; and

“That all commissions for proceeding by martial law may be revoked and annulled, and that thereafter no commission of like nature may issue forth to any persons whatever, to be executed as aforesaid, least, by colour of them, any of your majesty’s subjects be destroyed or put to death contrary to the laws and franchise of the land.”

The upper chamber approved this declaration; the  
 1628 king gave it an equivocal sanction, but a report having  
 to  
 1640. spread that he merely wished to gain time, and that his  
 minister, Buckingham, was negotiating for troops with  
 Germany, the passions which animated the inferior ranks of the  
 lower chamber burst forth; they re-echoed without, excited the  
 people, and menaced the court, more especially the favourite,  
 Buckingham. Under the preceding reign, this minister, to  
 destroy a rival, had induced the commons to demand his im-  
 peachment, pursuant to a right which they had not yet ven-  
 tured to adopt; they now made use of this right against him-  
 self. Charles interposed, by ordering the dissolution of par-  
liament; he treated the commons as a factious assembly, and  
 declared, that for the future he should regard as extreme  
 insolence any demand for a new convocation. Some time  
 after this Buckingham was assassinated; it was one of those  
 crimes for the execution of which strong minds are found,  
 when nations can no longer obtain justice from the laws.  
 Charles did not judge of it otherwise, when he witnessed the  
 joy which was everywhere manifested.

With the death of Buckingham ended a system of disorder,

of prodigality, of unmeaning violence, as contrary to the interests as to the inclinations of Charles. Still young, 1628  
 esteemed for the excellence of his private conduct, speak- to  
 ing of the royal authority not as a tyrant, but as a man 1640  
 dazzled with the majesty of a rank which he deemed the state itself; misled by the prejudices of birth, but compelling those who approached him to acknowledge in him intentions better than his acts; rendered interesting by the distresses (and difficulties) he underwent in a situation which he had not created for himself, but which the violence and errors of the preceding reign had prepared for him; having some sort of excuse in that which the demands of the commons, founded upon ancient facts, presented contrary to the customs of a less distant period, he found even in the ranks of the opposition men who devoted themselves to govern after Buckingham, and to struggle against public discontent. Thomas Wentworth, earl of Strafford, one of those whose eloquence had been most distinguished in the discussion on the bill of rights, was of the number. All at once arming himself with a new and strange resolution, separating the king from the court, ready to do all things for him — nothing for it, ignorant, perhaps, that to restore the royal prerogative he must betray the country, he entered with ardour upon a plan of government which for a time set aside the national representation. But when the state of the public mind, and the absence of physical means, had taught him that this system was impracticable, he drew himself up with his vigour of character against the difficulties which arose from men and from circumstances, and adopted all the consequences of a fixed determination. Archbishop Laud adopted the same views with the same ardent zeal, and, moreover, undertook to effect those changes in the Anglican church which had been commenced by James I., and which were desired by the bishops and by the king. ‡

To the ordinary taxes arbitrarily levied, to the old monopolies re-established, were added new taxes, new monopolies, extending even to articles of the first necessity for the people; and other expedients, — such as compositions for the order of knighthood, the verifications of titles to property came to the aid of the treasury. An army of tax-gatherers, inspectors, and subaltern judges, carried the royal



ordinances into execution. All the nonconforming protestants, and even members of the church, who had declared against the new ceremonies, were compelled to attend the churches. The court of high commission, the northern court, and the star chamber, dictated, by numerous condemnations, obedience to the king and the bishops; words spoken against them were punished as though they had been published writings; the refusal of loans as the purchase of goods at other than monopoly prices and from the monopolists. The mass of the nation bore this patiently for a long

time, on account of the well understood inutility of half  
 1628 attempts, and the difficulty of passing from submission  
 to to revolt. Yet two kinds of individual resistance, the  
 1640. one religious, the other political, did not fail to prove the energy of the wants and feelings to which endurance did violence. The first, more popular, more daring, and with more appearance of a certainty of success, was marked by the trials of Lilburne, Prynne, Bastwick, and Burton, who were ignominiously mutilated before the eyes of the people; the second, that of the rich classes, more temperate, more respectful, more calmly calculating between present evils and foreseen excesses, was represented by the memorable refusal of John Hampden. It was at last from Scotland, that focus of presbyterian doctrines, that after nine years of sufferings, common to the three kingdoms, came the blow which was to overthrow tyranny.

1640- The cry of insurrection arose in the same church where was made the first attempt to introduce the Anglican liturgy. At the cry, *No pope! No bishops!* the people of all classes hastened to Edinburgh, and there, in a common council, was drawn up and signed that famous covenant by which the nobility, citizens, priests, the inhabitants of the country districts, swore never to suffer the establishment of episcopacy in Scotland, which they denounced as equally condemnable with papacy, equally the enemy of national liberty. To uphold this oath, the Scotch organized a fine army, which was promptly disciplined under the command of officers formed to the trade of arms by the continental wars. The activity of Strafford, who came in all haste from Ireland on the news of the insurrection, could not destroy it in its birth. On the contrary, the troops which were collected and

marched to the Scottish frontier became also affected with the general discontent. Two years passed in vain efforts, menaces, and intrigues to destroy the Scottish league, or to raise against it the ancient animosities of England. The monarchists thought to interest the parliament in the cause of power, by making a great outcry about a correspondence between the Scottish covenanters and the government of France. The parliament made a temporary reappearance,—during which it manifested an entire indifference to the outrages of which Charles complained, and only spoke of the grievances of the people. Laud and Strafford, incapable, as the latter expressed it, of cajoling the ill-temper of the adversaries of authority, obstinately had recourse to the last extremities, and, when these clearly failed, consented to a regular convocation of parliament. Already the Scotch had passed the border. Every where well received, and announcing in their manifestos that they only desired to lay their just complaints at the king's feet; that they came as brothers to deliver the English from the tyranny of the bishops, they conducted themselves in every respect according to those declarations. Since the parliament of Rights, the king had reduced everything between his people and himself to a question of force; the parliament having now for army the Scottish insurgents, while the king had neither devoted troops nor the money to pay them, a great revolution was effected by this single fact: absolute power no longer existed.

1640

to

1641

VI. Royalty still remained, powerless and resigned; the opening parliament was about to have intrusted to it the task of assigning its limits; a perilous duty, which it, however, entered upon with confidence, sure of its intentions and not doubting its capacity. And first it put on its trial the system which had oppressed England during the last eleven years. The resentment of the nation, the dignity of the lower chamber insulted in the persons of the majority of its members, demanded, it was said, a striking reparation; the future required a great example. Forty committees applied themselves eagerly to the task of seeking out all that had been done against the law; thousands of petitions and of statements addressed to the committees, enlightened them and urged them on in this vast process. From disgraceful acts, they passed to the punishment of the agents of all classes who had



committed them, and whom they designated by the general name of delinquents. Strafford and Laud were criminals too marked to be spared; Strafford, more especially, the most detested as the most firm—and, moreover, as a renegade. At his trial, he defended himself. Rare power of an oratorical talent formerly dear to the people! He embarrassed the lawyers, shielding himself with those very laws which he had trodden under foot; he who had so often shown himself merciless, drew tears from the eyes of his hearers. These last

and sublime efforts rendered his former virtue still more

1641. matter of regret, but did not save him; Charles allowed the execution of the sentence which condemned him to death. Among all the consents which had been demanded of him, this alone he was not permitted to grant.

When Strafford had expiated with his head the brief triumphs he had secured for royal authority,—that authority itself lay exposed to attack,—and soon lost more than it had usurped. The abolition of the monopolies and of arbitrary taxes,—the condemnation of the compositions for knighthood,—and of the encroachments of the royal forests,—the suppression of all the extraordinary tribunals, civil and religious,—the restoration to all their rights of the citizens whom these had condemned, declared loudly enough that royalty henceforth might do none of these things. The point to be determined now was, what it could still constitutionally do, and here a natural indiscretion was near being committed. It was felt to be necessary to fix the royal prerogative; they mistook one way to this for another: they began to extend the power of the parliament; they desired that it should assemble,—at least,—every three years; that it should alone have the power of adjourning and dissolving itself; should vote the subsidies and superintend their expenditure; that it should interfere in affairs (until then) regarded as the province of the privy council; that it should share in the nomination of the judges,—and in the authority of the bishops and of the king in church matters; that it should,—at need,—have the power to issue ordinances having the force of law; finally, that it should dispose of the military power of the kingdom. This last pretension involved the entire ruin of the royal power, and Charles, accordingly, when he arrived at this point, refused the sanction he had given to the rest.

The circumstances of this refusal were very serious. Ireland suddenly entering, in pursuance of her own particular views, into the revolutionary movement which was agitating England and Scotland, had just massacred forty thousand English soldiers, public functionaries, or settlers, who in her eyes represented at once internal tyranny and a foreign yoke. Ireland was catholic, the king was accused of a tendency to popery; the forty thousand slaughtered English were protestants; the Irish insurrection, in the eyes of prejudiced people, seemed, accordingly, to be a catholic crime, and the king, who lost by it all that Strafford had done for him in Ireland, was deemed to have secretly excited it. How then could he be intrusted with the charge of reducing the rebels to order? It was for this that the government desired the disposal of the military forces. The king remained firm; then commenced, between him and the parliament, a war of declarations and of messages which soon proved the impossibility of coming to an understanding. From the onset, a threatening transformation appeared to have taken place in the spirit of the parliament; the first leaders of the two chambers, the authors of the Bill of Rights, had found in the ancient constitution wherewith to overthrow and punish the tyranny of Strafford, but not wherewith to prevent the return of that tyranny. Still attached to royalty, and wishing to preserve episcopacy as its necessary support, they yielded with regret to the necessity of seizing upon all the various powers, the only method, according to their view, of examining at leisure which of them could be judiciously left to the crown. So long as Charles had concurred in their political reforms, they had pursued it without any anxiety of conscience; but when it became necessary to overcome his resistance on the militia bill, several of them would proceed no further; the rest, more deeply committed, or more intent upon their object, and courted for their talents, continued to progress with the nation, but shared their influence with the party less numerous in parliament, who took their religious conventionality for enlightenment, who aimed at the reform formerly expected from the accession of James I., and whom the insurrection of Ireland authorised in attacking episcopacy, thenceforth confounded with popery. The energy of this new majority manifested itself by the act known under the



name of The *Remonstrance*,—an act dictated far less by the hope of obtaining the king's consent to the point then in discussion, than by the desire of animating the people against a resolution which appeared irrevocable.

1641 The parliament announced the existence of a party  
to hostile to the nation, and composed of papists, of the  
1643. bishops, of that portion of the clergy which it designated  
as corrupt, of the courtiers, of the king's councillors, and  
of other evil disposed persons. It set forth in minute detail, in a language full of hatred, all that this party had done against the religion and the liberties of the country, under the ministry of Buckingham,—and then under that of Laud and Strafford. It then set forth with complacency all that, with the help of God, itself had done, since its convocation in 1638, to repair the evils caused by tyranny, to extirpate abuses, to establish the authority of the laws, and to extricate the king from the embarrassments of every kind into which he had been plunged by his evil councillors. It spoke of its own power, sometimes as momentary usurpations rendered necessary by circumstances, sometimes as attributes legitimately exercised; and, finally, it set forth its ulterior views.

As to religion, it said: “ We confess our intention is, and our endeavours have been, to reduce within bounds that exorbitant power which the prelates have assumed unto themselves, so contrary both to the word of God and to the laws of the land. . . . And we declare that it is far from our purpose or desire to let loose the golden reins of discipline and government in the church,—to leave private persons and particular congregations to take up what form of divine worship they please,—for we hold it requisite that there should be throughout the realm a conformity to that order which the laws enjoin according to the word of God. And we desire to unburden the consciences of men of needless and superstitious ceremonies,—to suppress innovations,—and to take away the monuments of idolatry. And the better to effect the intended reformation, we desire there may be a general synod of the most grave, pious, learned, and judicious divines of this island, assisted with some from foreign parts, professing the same religion with us, who may consider of all things necessary for the peace and good government of the church, and represent the results of their consultations unto

the parliament, to be there allowed of and confirmed, and receive the stamp of authority, thereby to find passage and obedience throughout the kingdom. Many excellent laws and provisions are in preparation for removing the inordinate power, vexation, and usurpation of bishops, for reforming the pride and idleness of many of the clergy, for easing the people of unnecessary ceremonies in religion, for censuring and removing unworthy and unprofitable ministers, and for maintaining godly and diligent preachers through the kingdom."

This was declaring that the presbyterian form of worship should soon be substituted for that of the bishops. 1641  
The latter accordingly found themselves obliged to 1643  
quit the upper chamber, and to protest against anything that should be done there without their concurrence.

As to the state, "We desire," said the parliament, "the establishing and ordering the king's revenue, that so the abuse of officers and superfluity of expenses may be cut off, and necessary disbursements for his majesty's honour, the defence and government of the kingdom, may be more certainly provided for; the regulating of courts of justice, and abridging both the delays and charges of law-suits; that his majesty be petitioned to grant a standing commission to some choice men named in parliament, who may take notice of the increase of papists, their counsels and proceedings, and use all due means, by execution of the laws, to prevent all mischievous designs against the peace and safety of this kingdom. For the better preservation of the laws and liberties of this kingdom, that all illegal grievances and exactions be presented and punished at the sessions and assizes. And that judges and justices be very careful to give this in charge to the grand juries, and both the sheriff and justices to be sworn to the due execution of the Petition of Right and other laws.

"That his majesty be humbly petitioned by both houses to employ such counsellors, ambassadors, and other ministers in managing his business, at home and abroad, as the parliament may have cause to confide in, without which we cannot give his majesty such supplies for support of his own estate, nor such assistance to the protestant party beyond sea as is desired. It may often fall out, that the commons may have just cause to take exceptions at some men for being



councillors, and yet not charge those men with crimes, for there be grounds of diffidence (distrust) which be not in proof. There are others, which, though they may be proved, yet are not legally criminal. To be a known favourer of papists, or to have been very forward in defending or countenancing some great offenders questioned in parliament, or to speak contemptuously of either house of parliament, or of parliamentary proceedings; or such as are factors, or agents, for any foreign prince of another religion; such as are justly suspected to get councillors' places, or any other of trust concerning public employment, for money; for all these and divers others we may have reason to be earnest with his majesty not to put his great affairs into their hands."

Then taking into consideration the interests of the  
 1641 commerce of England, the authors of the remonstrance  
 to  
 1643. announced (acting upon the ideas of that period) the  
 intention to prevent the exportation of gold and silver, to equalize the exchange between England and other nations, to give greater circulation to the commodities of the country, to increase its manufactures, and to place commerce in a just balance, "in order," said they, "that the capital of the country be not diminished, as has happened several years through pure negligence."

Next, with a view to the interests of the lower classes, the remonstrance urged the necessity of encouraging the herring fishery, which furnished subsistence to the poor, and kept up a nursery of seamen capable of serving the king in cases of emergency.

As to each of these articles the remonstrance observed, with bitterness, that the malignant party was the only obstacle to ameliorations.

Thus, in the minds of the authors of the remonstrance, reform in the church against episcopacy, reform in the government against the king, the commercial aggrandisement of England against an ignorant, incapable, and corrupt administration, presented themselves as three great tasks to fulfil, and the entire revolution was resolved upon. The presbyterian majority in parliament, as well as out of doors, were eager to commence it, thinking they should be readily able to terminate it when the king should consent to the abolition of the bishops; to obtain this consent, they declared



that it was simply a form; they then went so far as to say that it was not necessary, that the will of the parliament was the law, and that the king must submit to it. This last pretension shocked those who desired neither parliamentary omnipotence nor royal absolutism; it forced the various elements, hitherto united against the latter abuse, to separate and distribute themselves, and thenceforth the king had a party resolved on asserting for him, and, if need were, restoring to him by the sword, rights consecrated by the past, equally with those of the parliament and of the people.

VII. When the king hoisted, at Nottingham, his royal standard, in signal of a still haughty distress, the thirty-1643  
 two lords, the sixty members of the commons, and the ministers, who answered to his appeal, formed, with the bishops, the catholic lords, and the great officers of the crown, the head of the party called *cavaliers*. The regular troops which remained faithful, a part also of the country nobles, who, for thirty years past, altogether apart from what was passing around them, had still lived in the pure monarchical doctrines of the time of Elizabeth, some adventurers, the younger members of the universities, promptly formed an army ready to act for this party. The mass of the popu-1643  
 lation glorying in the name of Roundheads, given in to  
 derision to the national party by the cavaliers, sup-1646  
 ported the parliament, who took possession of the revenues of the crown, and invested a commission of its members with all the functions of government. The women divested themselves of their ornaments to furnish means. The men filled with enthusiasm the ranks of the militia. The leading chiefs of the parliamentary army were naturally those members of the two chambers who, by their fortune, could contribute most towards the expenses of the war, the great lords, and the rich proprietors, nearly all of whom were presbyterians. In the secondary ranks, illustrious orators and soldiers by trade took their stations by the side of the members of the lower chamber, until then better known by their religious and patriotic zeal than by their talents.

One of the latter was Oliver Cromwell. In the brilliant debates in which the rights of the people and of the parliament had been proclaimed, this man had been remarked for the invectives which he launched with awkward vehe-

mence against the king, the papists, and the courtiers. His activity, displayed whenever there was occasion to watch or disconcert the intrigues of the court, had afterwards recommended him to the more influential members, and given him credit among those who believed that the queen, a professed catholic, led the king; that the king, to please her, had ordered the massacre in Ireland; that at first he had raised so few objections to the numerous demands advanced, merely because

1643 he hoped to regain all by some great act of treachery;  
 1646. that he desired to have the charge of reducing  
 to Ireland, only in order that he might conduct troops  
 thither, and then return with them to slaughter all the

protestants of England. These suspicious pervaded the whole presbyterian body, and caused them to look upon war as an evil for which the king would be responsible; they inflamed the hatred of other sectaries, of a more sombre enthusiasm, amongst them, the independents, enemies to all political and religious hierarchy, to royalty as well as to episcopacy, to the aristocracy as well as to the priesthood. Of these, Cromwell was the hope.

In the first encounters between the king's party and the parliamentary army, the latter could not stand their ground; their cavalry, hastily made up of all who could manage a horse—in a great measure of grooms—could not withstand that of the king, composed of gentlemen as brave as they were passionately devoted to the cause. Among all the experienced men who commanded for the parliament, not one remarked this cause of the difference between the two armies. Cromwell pointed it out to them, and said they must oppose to the men of honour who served the king, not valets, but men who fought for God, for their families, and for their property; and although he had never served himself, he offered to organize a body according to this idea, which should decide the struggle in favour of those who had best comprehended it. He selected from among the petty proprietors, the rich farmers, and the tradesmen, men whose principles he shared, and whose conduct and energy were known to him. He disciplined them, excited, instructed, inured them with himself to warfare; he ruled them by the ascendancy of a cool, exact mind in an ardent temperament, and by a force of will which seemed to such men a sort of divine inspiration.



Whenever the parliamentary army was beaten, Cromwell's regiment was sure to be victorious on some point of the battle field, and after every engagement more and more recruits offered themselves for this body, which fought so well, and whose discipline and piety were worthy of the cause of the country and of religion,—elsewhere so ill defended. It accordingly soon became necessary to make the simple leader of volunteers,—one of the parliamentary generals,—and his cavalry one of the principal corps of the army.

When the parliament declared itself presbyterian, and, in order to procure help from the Scotch,—adopted the principles of their covenant, Cromwell's regiment was merely a party in the army. The presbyterians, strong in their turn, made tyrannical laws, establishing throughout the three kingdoms their religious uniformity. The independents,—to escape the persecution,—came to serve under Cromwell, whom they considered one of themselves. Cromwell offered them an ayslum, interested, as he believed them to be, in doing as he did, in creating for themselves titles by services; in becoming first among the troops, as he sought to become first among the captains. He was not mistaken; these new-comers, although they did not, any more than he, like the Scotch auxiliaries,—or the noble presbyterian generals who commanded,—thought only of the common cause. Their intrepidity and discipline at length brought victory to the parliamentary flag.

The Anglo-Scottish presbyterians then desired peace: wishing, above all things, that their religious revolution should be adopted, they almost entirely abandoned the political revolution. Now, it was for this that the independents had fought; transferring their religious creed into the political order, they condemned all powers as usurped from Christ; they awaited His coming upon earth,—and would not accept a peace which would prevent them from preparing for what they called His reign. Alone they would not have influenced the nation, but the aversion with which their absurd ideas inspired them against royalty corresponded with the views of a political party, composed of enlightened men, of late united with the presbyterians against episcopal tyranny, and who, seeing the embarrassment felt by the latter in at once defending their own innovations against the

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king, and in preventing other innovators from going beyond them, had boldly advanced to broader principles. They rejected all state religion, whether catholic, episcopal, or presbyterian; every one, according to them, had a right openly to profess his belief; and as to royalty, whether or not it might be deemed advisable to come to terms with it, they desired that it should be considered, not as having violated such or such a liberty, recorded in mouldy charters, but as having broken an original contract, which had made the people submit to it, and which they founded on simple reason. Writers—amongst others, Milton, the greatest genius of the time—spread these doctrines; members of parliament maintained them to the face of the presbyterian majority; Cromwell and his officers professed them in the army, where lay the strength of the religious and political independents. Certain of being sacrificed if peace was made between the presbyterians and the king, they represented it as an act of weakness, or as the forced result of bad management.

The people were divided between them and the presbyterians: if they listened to the latter when they declared that peace alone could terminate a struggle so ruinous to the country, they united their indignation with the former when they represented that warfare without energy, and mal-administration, had infinitely prolonged the duration of the sacrifices which the people had imposed upon themselves, and had compromised the cause for which they had endured them. Again, the presbyterians still persisted, even in making war against the king, in affixing his name to their acts. Now, a royalist parliament assembled by the king at Oxford, acted on the same principle, and in the same form, and the nation might thus be placed in doubt on which side was, if not justice, at least the law. The independents made use of this to urge the necessity of new principles; it was necessary, they said, that all should regard royalty as they regarded it; that the war should be carried on with more energy; that the army should be reorganized; that the generals should be more closely dependent upon the parliament; and that with this object they should be taken from the ranks of the army, and not from the chambers. Upon this last point the independents satisfied themselves by the famous Self-denying ordinance

(-in 1645-)

supported in parliament with so much vigour and subtlety by Cromwell. While the noble and presbyterian generals, taken by surprise, withdrew from the command, Cromwell alone, among the officers, members of parliament, remained at the head of his regiment; and before there was time to protest against this exception, merited it by an important success against the king. His reputation was already great enough for him to have aspired to the command-in-chief, but he desired rather to appear to obey a man whom he was sure of governing, and contented himself with advancing and distributing throughout the various regiments the officers and soldiers who had served under his command.

The reorganization which placed the independents in possession of the military employments rapidly bore its fruits. The royalist party was defeated upon the field of Naseby. The king took refuge in the camp of the Scotch, who inspired him with less fear than their allies; but the Scotch delivered him up to these, thinking that they could more effectually induce him to recognise their worship and their liberties. 1646.

In England, the battle of Naseby disposed all minds in favour of a party which had so soon kept its word. At this juncture, there were to be replaced in the lower chamber one hundred and thirty members, who had retired at the commencement of the war. The choice fell upon men belonging to the independent party, and upon some of the plebeians who had become chiefs of the army. These new comers, displaying on every occasion a vigour and capacity which seemed to disappear from among the presbyterians in proportion as they went more and more beyond their mark, made their way into the committee of government, formed of the members of the two chambers. Masters of these two posts, the army and the council, the independents commenced against the king, against the Scotch auxiliaries, and against the presbyterian church, a system of impeachments, soon followed by open war. The presbyterians recovered some energy to defend themselves. Having with them the Scottish army, the citizen class, and the majority of the parliament, and disposing of the king's person, they imagined that by coming to terms with him, by disbanding part of the army, and sending the remainder to Ireland, they could maintain the revolution as they



had designed it. But on the one hand the king, hoping to profit by the misunderstanding, made every effort to gain time; on the other, the army, learning that the majority of the parliament thought of disbanding it, formed itself into deliberating bodies, into assemblies of soldiers, elected by their comrades under the title of agitators, and into a higher class of clubs, composed of officers. Threatening petitions were sent from these military assemblies. The parliamentary presbyterians mistook the character of these turbulent protests, as the court formerly misconceived the demands of the people; they voted several months pay, whereas it was power that the soldiery aimed at. (*Cæsar and Pompey's assassination in such cases*)

Cromwell was, as it were, the connecting link between the independents of the army and those of the parliament. Always going backwards and forwards from one to the other, praying, preaching, calling for the reign of Christ with the agitators, and with his parliamentary friends fervently expatiating on the idea of a republic, and of the sovereignty of the people, over all he exercised an immense power of opinion. Reducing the question between the two parties to the small number of points upon which the matter was to be decided by force or by address, he saw that to deprive the presbyterians of the support of the Scotch and of the disposal of the king's person, would be to conquer. Intrigues, aided by several just complaints, alienated the Scotch; a daring *coup-de-main* rendered the king a prisoner of the army, without the participation of Cromwell being perceived, and without the mass of the nation understanding what would be the result of all this.

The parliamentary presbyterians, who saw it better, loudly proclaimed it. Henceforward, nothing remained for Cromwell and his party but to expel them from the parliament. The presbyterians were strong in the city of London; their old popularity, founded upon so great and such noble services, raised the citizens against the independents, who were the minority in the house. The latter hereupon played the part of oppressed victims; to the number of sixty, they proceeded to the army, which, in conducting them back to London, had thus a pretext of being driven to use force, the last argument between parties. The sixty members reinstalled, amidst the plaudits of the army, who imposed silence on the London citizens, in their turn excluded eleven of the most



*(Great Hall, Cambridge, Dec. 24<sup>th</sup> 1647)*

distinguished presbyterian members, and manifested an eagerness to come to a conclusion with the king. An astounded, uncertain majority formed around them, disposed to act with the system of expurgation which now established itself. They voted four bills, which were to be presented to the king as articles of peace. If, said the independents, he fail to recognise in this negotiation a last effort of the long endurance of parliament, we will proceed to a last resolution.

But what was this extreme resolution to be? the total overthrow of royalty? Beyond that the enemies of the presbyterians had no views or opinions in common. The ambitious class, with Cromwell at their head, objected to men's looking so far forward: God, said they, would give them inspiration when the proper time arrived; others, enlightened patriots, insisted upon the consideration of the reforms which legislation and the representative system would have to undergo, when there should be no longer a king. The agitators of the army declaimed against the first, on the faith of visions, which showed them all things regulated for the reign of Christ; and against both rose, full of fierce hatred, a party, which was driven by the instinct of poverty towards the last term of all revolutions, equality in position and in fortune, the abolition of ranks and the community of property. These levellers were mostly in the ranks of the army, and among the populace; they, too, had their writers and their doctrinal leaders, men as ignorant as themselves of a question still misunderstood, and unworthy of being even listened to at that period.

The disputes among the agitators, the saints, the levellers, and the politicians, would have excited a war in the bosom of the army, scarcely yet victorious over the presbyterians and the royalists, had it not been for the energy and ability of Cromwell. He first exercised severity at the fitting moment, and then conciliated the troops; and his order as general became law with all who served under his standard. He himself and some of the independent chiefs knew that the king would reject the four bills; for this unfortunate prince, victim of his own intrigues, was no longer merely their prisoner, but their instrument also. Acting upon false advice, he persisted in a system of obstinacy to which the queen, who shared not his perils, and several of the less able of his sincere partisans, counselled him to adhere, as the only course com-

patible with his dignity. Upon his reply in the negative, which had been perfectly foreseen, the parliament at once declared that it would not again treat with him.

Great was the joy in the army and among the political independents and the levellers. But, without the king, what was to become of the old order of things? This was the question asked on all sides, by those who had wished to reform and not to destroy it. They had no need to concert with one another; their fears were of that nature which bring prompt counsel. A formidable reaction broke out against the independents. Behind the presbyterian majority, which still in the parliament, in the army, and in the magistracy, occupied important posts, were ranged all those whom the revolution had already outstripped. The Scotch also seized this occasion to declare how they had understood the revolution; and whilst, for the third time, they passed the frontier in arms, the western and northern counties most distant from London, rose in revolt; the eastern counties followed the example, and the movement extended itself to the gates of London. Cromwell and his principal lieutenants were declared public enemies; they were not men to defend themselves by words, or to dispute for London and the parliament with their adversaries, whilst the kingdom escaped their grasp. The instinct of self-preservation taught them better. The committee of government still belonged to them; starting from this centre, they threw themselves in every direction upon the insurgents, and disarmed them. Discipline everywhere gained the day over mere passion. Cromwell, with an unexampled rapidity, advanced towards the north against the Scotch, fought with them three great battles, in which he staked all for all, as suited his situation and his genius, and did not leave ten of his enemies under arms. The news which reached him from London was of a nature to hasten his return; but judging that he should in reality gain time by making his triumph complete, he entered Scotland, quartered his troops there, and occupied himself with every minute detail that could secure the tranquillity of the country.

Meantime, the presbyterians having recovered the majority in the lower chamber, and the upper chamber, nearly deserted since the self-denying ordinance, having witnessed the reappearance of the presbyterian lords, negotiations had recom-



menced with the king. The greatest efforts had been made to reconcile him with the nation; but more advantageous conditions, far from prevailing with him, only rendering him more exacting, the independents, witnesses of these vain efforts, although a minority in the parliament, had not lost courage; the victorious troops would ere long return to their aid, and peace with the king would soon become impossible. The presbyterians saw the approach of this moment with despair. The parties who feared it made every effort to prevent it, and those who desired it, to hasten it. For some months the kingdom was a prey to perfectly unexampled confusion: wherever men ceased to combat, they resumed discussion and dispute; each sect, each subdivision of a party, thought itself called upon to save the republic. Petitions and remonstrances came in crowds to the parliament; some to counsel, others to accuse.

VIII. The republicans alone at once acted and disputed; those of the towns wrote against the intolerance and avarice of the presbyterian clergy, against the superstition which made crimes of heresy and superstition of things beyond the comprehension of man. They demanded that the king should be made responsible for the blood which had been shed by his orders. They availed themselves, against the administration, of the sufferings of commerce, and at the same time assailed the levellers, a party odious to all who possessed any property. The republicans of the army applied themselves to hunting down the king; they demanded that the laws against the delinquents should attach to him. Strafford and Laud, they said, had only acted by his orders. The parliament made no reply; the regiments returning to London, victorious at every step, explained themselves more clearly; they positively insisted that the king should be brought to trial, and that his sons should be cited to appear and make their submission to the parliament, under penalty of being themselves deprived of their rights. The parliament still remained silent; then came menacing injunctions. The councils of officers wrote, that they appealed to the sword of God against the treason of the parliament; and, soon afterwards, entering London, they proceeded to expurgate it. One hundred and forty-three members, thus excluded in a few days from the lower chamber, left the field open to the independents.

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to  
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Cromwell, leisurely returning from Scotland, had followed these acts of violence at a distance; judging them necessary, he had thought it well to allow them to seem referable merely to the excitement of party. He reappeared in the house of commons, as a supreme moderator, adopted with hesitation that which had been done in his absence, but, the work once begun, declared that it must be maintained. The trial of Charles I. had already been resolved upon by him and the chiefs of his party; a correspondence intercepted by them had shown them their condemnation written by the king's own hand, had the chance of arms or a delusive peace placed them at his discretion. They resolved to treat him as he would have treated them. To this, unfortunately, the question between Charles I. and the independents, his last adversaries, was necessarily, sooner or later, to be reduced. The absolute government, by violating all public liberties, had deprived itself of the right of one day invoking the constitutional principle of royal inviolability, and those who had commenced resistance, who had afterwards shown themselves incapable of rendering it victorious, by transmitting to others the difficulties and weight of the enterprise, had placed these under the necessity of seeking their safety in the overthrow of royalty, and the death of him who, living, might destroy them. Cromwell was one of those who, in condemning Charles I. obeyed this law of self-preservation; others were led away by religious fanaticism: others, again, yielding to a sentiment of republican exaltation, were pleased to treat a king like any other man, and to measure themselves, so to speak, by his degradation. But, as was afterwards proved, not one of these judges, after having sent the king to the scaffold, was less at ease in his conscience, than Charles himself would have been in employing a different fortune against them. The odious feature was the affectation of the forms of justice; yet in party struggles, this is often the necessary lie of the strong against the weak.

The death of Charles I. had been demanded by the independents of the army, of London, and of two counties; by the levellers, by the millenarians, sectaries even more insane than the religious independents, and who never existed as a party. A dozen lords, the only peers who retained their seats at that time, protested against it, and from that moment there was no longer an upper house. The cavaliers, the churchmen, the

presbyterians, who had sought refuge abroad, gave utterance to a powerless horror, not participated in by the governments of Europe. The people of London, witnesses of the brutalities which were mixed up with the iniquity of the judicial proceedings, took a warm interest in the illustrious accused. The mass of the nation manifested merely profound astonishment; it was nothing more than a passive accomplice. Afterwards, indignation appeared to have been repressed; but other events had rendered it a conventional sentiment.

Scotland alone openly evinced her grief; her political views had never been separated from her religious convictions; she had always believed in the good faith of the king; she detested the independents as much as she detested the episcopalians; she arose, and calling in the eldest son of Charles I., proclaimed him king, under the title of Charles II., while England submitted to a new government, residing in a parliament without a house of lords, and without a king.

The insurrection of Scotland added greatly to the work which the new republic had to do, ere it could exist without dispute. Ireland, ever since the insurrection of 1641, had not been reduced to submission; she had been neglected, and the king's party was established there. In the English colonies of America, the troops and the various governors were still for the king. The dethroned family possessed a fleet which found an asylum in the ports of Holland and Portugal, and brought succours to the insurgent countries. Even in the heart of the army, the republic had in the levelling party a formidable enemy, fully disposed to regard it as another usurpation, unless it established the community of property and the equality of rank. The republic everywhere opposed Cromwell to its enemies; first, to the levellers, five thousand of whom he dispersed, and whom he compelled to discontinue their meetings; he then went to Ireland, and (in one campaign) compelled most of the royalist towns to open their gates to him, and made himself master of three-fourths of the island. When his presence in this country was no longer absolutely necessary, he marched against the Scotch and Charles II.

The young king had only received the crown on taking an oath to observe the Scotch covenant, and his loose conduct had already exposed him to representations and unqualified



censures on the part of presbyterian ministers; however, at the approach of Cromwell, he could not doubt the affection of the Scotch. Although he surrounded himself with the courtiers who had followed his fortunes upon the continent, his whole strength lay in the devotion of the same presbyterian troops who had conquered the king, his father; their discipline almost equalled that of the English. They were commanded by excellent officers, and against them, consequently, the superiority of Cromwell's military genius appeared in all its splendour. We know with what daring he placed himself in the rear of an army, which, furnished with every necessary whilst he wanted provisions, having for it the inhabitants while all were hostile to him, might by turning round have prevented him from ever again seeing England. Charles II. feared to inclose such an enemy, and from a want of resolution, which historians have praised as an act of boldness, seeing England open, he rushed thither; but all was prepared to receive him, and Cromwell was close upon him. The young king found himself at Worcester in the situation to which a few days before he might have reduced his enemies, and fled almost alone, after a battle in which his courage had been but indifferently manifested. At the same time the republican fleet dispersed the king's ships, cleared the Channel Islands from the pirates which infested them, carried the revolution to the most distant colonies, and demanded satisfaction of Holland for former insults and injuries, which the weakness of the two last reigns had left unpunished. This war was being prosecuted with un hoped-for success against the greatest seamen of that time, when the last victories of Cromwell enabled the parliament to unite England and Scotland in one republic. Never had England displayed such great resources as under the administration of the handful of obscure citizens who might be regarded as having usurped the state. She paid considerable taxes; supported an army of sixty thousand men, and maintained a powerful fleet. She had seen her fields devastated, her towns ruined, her population devoured by civil war; but since the commencement of this war, she no longer had to supply the profusions of the court, nor the immense revenues of the bishops, nor the pensions of the courtiers, nor the venality of the judges, nor the insolence of lacqueys

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of every class. The severe morals of the presbyterians, followed by those still more rigid of the independents, had superseded those of the monarchical society. Frivolous entertainments, feasting, theatres, bull fights, cock fighting, even popular rejoicings, had disappeared. The domains of the crown, the lands of the bishops and chapters, the estates of the nobles, had reverted to the nation, and no individual was the richer for them. The citizens had introduced into the government their habits of order and economy, their probity and their industry. Since the commencement of the war, the devouring plague of idleness had no longer exercised its ravages; every one was employed, either in administering public affairs, or in fighting, or in fabricating arms and cultivating the earth for those who fought. Not only were all the evils of war and fanaticism repaired, but all the indications of a great increase of prosperity manifested themselves.

Such were already the results of the revolution. The parliament possessed sufficient intelligence and perseverance to be able to follow it out through all the abuses and vices still presented by the social state. They might have reorganized the judicial and civil administration upon a simple basis, and they had it under consideration to deliver the people from the monstrous complication of laws, which the levellers energetically denounced as the livery of Norman slavery. But if there was one want more generally felt than another, it was that of enjoying in peace the reforms obtained at the price of so many sacrifices. The courageous ambition of working for future generations, only carried beyond the original views of the revolution those who had already advanced beyond those views. Men feared lest new discussions should result in the triumph of alarming doctrines, such as those of the levellers and of the philosophers, who already made a profession of deism. Thus, the want of national sympathy with the ideas and the creed of the long parliament, left that assembly alone in presence of the army, when that question, fatal to all revolutions, the question of disbanding the army, now become useless, presented itself.

The councils of officers, and the clubs of agitators still existed; they had not forgotten that the parliament owed its existence to them; that its right was founded upon their

1649  
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swords. That they should make up their minds to return from the ambitious life of the camp to the obscure toil of the city, there was needed more than the love of the public welfare, a disinterestedness which is not to be found in the great masses of mankind. Seeing themselves threatened with the loss at once of the habits of power, and of the easy existence afforded them by abundant and regular pay, they demanded the dissolution of the long parliament, accusing it of a desire tyrannically to perpetuate itself in the exercise of power. The parliament treated the army as factious, and left it for some time without pay. Cromwell, whose interests were those of the soldiers, and whose opinions, at a time when in general no one was decided whether it was better to stop, to retrograde, or to proceed, were probably not those of the leaders of the parliament, took a step which his ambition had long meditated. He expelled the independents, as they had expelled the presbyterians, and seized upon power. His will, powerful as it was, would have failed against the resistance of the soldiers, had he undertaken to disband them.

It was fortunate for England that such a man should take upon himself the responsibility of an inevitable violence, because with him order was the result of usurpation instead of anarchy, and order was the all-necessary thing. In every place (and in every age) it is the popular necessities which have created the conventions called principles, and principles have ever been mute before necessities. In the present case, the necessities were security, repose, and a grandeur which should awe the external enemies of the revolution, and the commercial interests opposed to those of England.

1653 An administration was required, which should com-  
 to prehend all parties and belong to none; which should  
 1658. be in possession of all the ideas of the time and profess  
 none exclusively; which should make use of the army  
 and not place itself in its train. Cromwell effected all this.  
 He did not possess the affection of the English, but he had  
 their confidence. The working classes did not protest against  
 his despotism, because it was as much to their interest as to  
 his that parties should cease to dispute, since they could not  
 come to an understanding; because the material results of the  
 revolution were in action. Under Charles I., men had re-  
 quired every tax to be voted by their representatives, because



they were weary of supporting the bishops, the chapters, the nobles, and the court intriguers; but the administration of Cromwell was honest, economical, judicious, and permitted no sinecures. Men before had revolted against the religious tyranny of the bishops and the renewed pretensions of the papists. Under Cromwell, every one freely professed his own belief; papists alone were not tolerated, although even they (in Ireland) enjoyed more liberty than before. Lastly, at the commencement of the revolution, men had preferred ceasing to work and to fight, to the awaiting the ruin of external commerce and of manufacturing industry; Cromwell gave law to the foreigners in the ports of England as in their own markets. Even the existence of a numerous army was found not without its uses in this system; for the high opinion entertained of it compelled foreign governments to greater respect than the haughty temper of Cromwell could have obtained alone. England, rich, powerful, active, more respected than she had ever been under her kings, owed this to the ability with which Cromwell administered the means and the resources created by the revolution. Cromwell had to combat only the heads of the various parties, whom he successively deceived or defeated. He was right as against the royalists, because they were the enemies of the country; as against the presbyterians, because they were intolerant, and did not comprehend the revolution; as against the levellers, because they demanded impossibilities; finally, against the extreme republicans, because they did not represent the general opinion. But he was wrong as against a class of enlightened patriots who clung to the republic, not from mere fanaticism but from reason, and who wished that the results of the revolution should be secured by institutions capable of surviving the man whose capacity and intentions might (at first) be sufficient. Amongst these he had indefatigable enemies; some, his old colleagues in parliament; others, his lieutenants on the field of battle; others, his accomplices in the death of Charles I. All had admired him, and all hated him the more they had admired him. At each new attempt of theirs which he had to repel, he resumed somewhat more of the old régime, and this paved the way to the counter-revolution. He did not commit the unpardonable offence of re-establishing



the hereditary privilege of state functions, and he constantly refused royalty. It is imagined by some that the term of his life marked that of his resources, and that he would have retained with difficulty a power at once so envied and so detested. Yet the events which took place at his death proved the equal weakness of all parties, and the profound indecision of the nation.

# PART THE FIRST.

## CHAPTER I.

### THE RESTORATION.

State of England at the death of Cromwell—Richard Cromwell endeavours to destroy the influence of the army, and to exalt the parliament—The army overthrows the parliament and Richard—It restores and again expels the Rump parliament—Divisions in the army—The Scotch army sides with the parliament, that of England abandons its generals—The royalists league with the presbyterians and the Scotch army; they obtain the convocation of a parliament, according to the ancient constitution—This parliament recalls the Stuarts—Last efforts of the republicans—Alliance of the royalists, the Anglican churchmen and the presbyterians against the republicans—Circumstances of the restoration—Trial of the regicides—Restitution of the property of the crown, of the bishops, and the lords—Re-establishment of episcopacy—First attacks on the presbyterians.

AT the death of Cromwell, England was divided into eleven military governments, under the command of major-generals, whose authority, at first almost absolute, had since been a little restricted, as becoming tyrannical. Scotland was tranquil under the administration of general Monk. The presbyterians freely exercised their worship, and persecution was forbidden them. Ireland, under Henry, Cromwell's second son, repaired, with her astonishing power of resources, the losses which a long war and a rigorous system of pacification had occasioned her. The three nations were represented by one parliament, composed of two chambers, the one the deputies of the commons, the other the *parvenus* of the revolution, nominated for life by Cromwell. This parliament

had just been dissolved for indocility; and several conspiracies, royalist and republican, had been punished with death.

Nothing had yet been able to shake this violent order of things. Yet the counter-revolution had commenced: in the government, by the re-establishment of a power similar to that of Elizabeth, with the exception of titles and etiquette, and by the creation of a superior chamber on the model of that of the lords; in the nation, by the terror with which the doctrines of the philosophers and levellers inspired the rich and active mass, a terror which saw no security but in an order of things far behind that which had permitted the attacks upon the inequality of situations and fortunes. This disposition rapidly increased during the crisis which followed the death of Cromwell. As soon as the iron hand of the despot had ceased to keep in check the remains of the old parties, they all reappeared, not instructed by experience, or disposed to a reconciliation which was desirable, but animated one against the other by an hatred which the insults they had suffered in common under Cromwell seemed to have rendered more violent. All had not only their political views but their personal vanities and ambition to gratify. Next to the levellers and the religious republicans, the philosophical republicans were the least in favour. Cromwell, in humiliating them, had thrown disrepute even upon their principles; he had proved their virtues to be inefficacious. The presbyterians were the most numerous, but their position was one of great difficulty, since it was dangerous for them to abandon that which the independents had done in spite of them, and no less dangerous to endeavour to modify the work according to their own ideas.

Cromwell alone would have been able to preserve from dissolution this incoherent assemblage of interests, passions, and results, for which the revolution was now only a half effaced symbol. His son Richard, chosen to succeed to such an heritage, felt that he must restore it to the nation, that it might take an interest in defending it. He convoked a parliament, composed of two chambers, according to the principle established by Cromwell. In this assembly formidable divisions arose. The presbyterian or moderate majority allowed themselves to be associated with power, but not without trembling at the species of obligation which it imposed upon them. Even whilst acknowledging Richard as protector, they showed



that they had not entirely adopted the order of things which then existed: it was still the reign of the army, the constitution given by an usurping general, and not consented to by the people. Thus the lower chamber rejected the idea of the other chamber, as they called it, because it represented only the army.

It, however, at the same time, represented the only party which could not enter into a compromise with the old régime, and this was the great interest round which all should have rallied. But the army itself, after having lost sight of it for seven years, returned to it, half corrupted by the servile obedience which the protector had exacted from it. Discipline had preserved the morals of the soldiers, but the devotion to one man had destroyed their belief. From being ardent sectaries, they had become declamatory hypocrites. However, when they saw Richard Cromwell about to replace the republic in the hands of persons who were objects of suspicion to them, they rose, as they had formerly done, against the presbyterian majority of the long parliament. The councils of officers reconstituted themselves, and seized upon authority. At the head of this movement were generals Fleetwood and Desborough, one son-in-law, the other brother-in-law of Cromwell, and Lambert, who had long been one of his most devoted lieutenants, but who had latterly incurred his disfavour. These three men aspired to nothing less than to replace Cromwell; but at that moment, neither of them being strong enough to dominate the others, they united to place the power in the hands of men whom they could direct, and whose cause, as opposed to the presbyterians and royalists, was their own. Forty-two members of the republican parliament, which Cromwell had so roughly deposed in 1653, still existed; they recalled them. (*summer of 1659*)

The conduct of this parliament was very remarkable. The majority of those who composed it were energetic men, able, and full of conviction. Recalled by necessities which they thoroughly appreciated, they took up the revolution at the point at which Cromwell had stopped it, and conceived the magnanimous hope of making it triumph, when it was betrayed on every side. Their short administration was but a too unequal contest against the disdain of a short-sighted public, which nicknamed their assembly the *Rump Parlia-*

ment, or *Fag-end Parliament*,—and against the opposition of the presbyterians,—the plots of the royalists,—and the cabals of the officers of the army. They perhaps gave too much cause for distrust in refusing any kind of accommodation with the presbyterians; but by the wise measures which they took to destroy the influence of the officers, they placed the latter in sufficient peril to drive them to a new act of violence, and found themselves, accordingly, once more driven from the house. (*by Lord and his friends, October 13<sup>th</sup> 1659.*)

The old party of the Stuarts had greatly profited by the troubles which had followed the death of Cromwell; and pursuing those tactics which in civil discords all parties think themselves authorized in adopting, they secretly excited the agitators, spread the most absurd reports, terrified some and seduced others, spoke of reconciliation, of forgetting the past, and actively corresponded with the sons of Charles I., who had taken refuge at Brussels. Ashley Cooper, a man of profound immorality, and with a suppleness of mind which passed for superiority,—was the soul of all these intrigues. During the revolution he had had the address to keep always on the side of the victorious party, and to preserve immense credit with the nation. Having publicly counselled Cromwell to make himself king, he now pretended that he had only given him this advice in order to destroy him,—and that he had only served him in order to be in a position to betray him. As he was in thorough possession of all secrets, and a master of all affairs, the princes thought that his mediation could not be too dearly purchased, and by his care their return was urgently hastened on. When the chiefs of the presbyterian party had made vain efforts to come to an understanding with the republicans of the *Rump Parliament*, Ashley Cooper, and others who intrigued with him, boldly made overtures to them on the part of the princes. They at the same time made overtures to general Monk, formerly a royalist, and who since the death of Cromwell had been on indifferent terms with Fleetwood, Lambert, and Desborough. Monk had thorough command over his army, and was posted in a country whose disposition in favour of Charles II. had undergone no change, despite the memory of Dunbar and Worcester. The result of a lengthened negotiation was the formation of a royalist and presbyterian league



against the independents and the army. It was arranged that Monk should march upon London with his troops, and that, in the first instance, the intention announced should be that of re-establishing the Rump parliament,—over which *in 1659.* Lambert and his friends had usurped the authority. The soldiers whom these generals might have otherwise opposed to Monk, if the true project had been revealed, were deceived by this manœuvre, and preferred abandoning their chiefs and submitting to the parliament,—to drawing the sword against their old companions in arms. Those under the command of Lambert even marched against him,—and delivered him to the Rump parliament, which was thus re-established without a struggle. From this moment, Monk was the real generalissimo of the army. He concealed his projects for yet some time, until he had secured the important posts in London, placed his own men, and distributed those of the other generals in such a manner that, when they found out the deception practised on them, they should not be able either to rally or oppose any great resistance. Then, as if by a concerted signal, there were sent from London and the various counties, addresses to Monk, in which he was called upon, as the man to whom everything was possible, to re-instate in parliament the presbyterian members who had been expelled by the independents in 1648. *Edm. 1659.*

The members of the Rump parliament had not waited for the presentation of these addresses to manifest their distrust of Monk. They had subjected his pretended republicanism to several tests, which saved them the shame of being taken for dupes; but they thought they were bound to remain firm at their post so long as it was tenable. Their opposition to the measure solicited by the presbyterian petitioners was vain. By order of general Monk, soldiers brought back to parliament those same representants whom soldiers had driven from it in 1648. The independents, finding themselves a powerless, feeble minority in the presence of their adversaries, withdrew. The presbyterians, in the name of the nation, immediately abolished the oath of fidelity to the government without a king, and without a house of lords, proclaimed the dissolution of the Rump Parliament, and convoked another, composed of two chambers, according to the old constitution.

These events succeeded each other with such rapidity that



the army, dispersed, and in open rupture with its best generals, could offer no opposition to any of them. It was evidently astonished, but not subdued. Monk displayed much vigour and ability in endeavouring to prevent it from disturbing the elections for the new parliament. He awed it by menaces, and especially by the assurance given to the officers of every regiment, that it was not intended to restore the Stuarts, but only to give back to the nation its parliamentary privileges. Still, he had to repress several movements. The opening of the parliament was approaching, when Lambert escaped, collected a few troops, and raised the republican standard. The effect which the escape of this man, so renowned for his daring and his activity, produced among the soldiers, the independents, the millenarians, and the levellers, showed how little was needed to excite a civil war. As the citizens feared nothing so much as this, they shook off the apathetic indifference to which the protectorate had habituated them, animated themselves against the soldiers and the independents with a hatred equal to that which they had formerly manifested against the *delinquents*. From every side was urged the great change which could alone secure the repose and welfare of the country. If the working classes had duly considered the causes of this prosperity, which they feared to compromise by maintaining the revolution, they would never have consented to the restoration of an order of things which was to bring back among them a population of ruined, idle, and grasping courtiers, and to convert devotion to a particular family into a career of fortune for all the intriguers who surrounded it; but they thought only of what they had to fear from the army and from the poverty of the populace. The parliament met under the influence of the same terrors. The upper chamber, which had not been destroyed, but only suspended, reappeared, numerous and thoroughly cured of that love of liberty which had rendered it favourable to the first impulses of the revolution. It demanded the restoration of monarchy. The lower chamber, on its side, considered that it had to decide between the party vengeance which might result from a new civil war, and the restoration which was represented by its agents as clement, unexact, prudent, and determined upon adapting itself to the manners and wants of the time. The famous declaration of Breda

was presented to it by order of Monk, and removed all remaining hesitation:

“ Charles, by the grace of God, king of England, Scotland, France, and Ireland; To all our loving subjects, of what degree or quality soever, greeting. If the general confusion and distraction which is spread over the whole kingdom, doth not awaken all men to a desire and longing that those wounds which have for so many years together been kept bleeding, may be bound up, all we can say will be to no purpose. However, after this long silence, we have thought it our duty to declare how much we desire to contribute thereunto; and that, as we can never give over the hope in good time to obtain the possession of that right which God and nature have made our due, so we do make it our daily suit to the Divine providence, that he will, in compassion to us and our subjects, after so long misery and sufferings, remit and put us into a quiet and peaceable possession of that our right, with as little blood and damage to our people as is possible. Nor do we more desire to enjoy what is ours, than that all our subjects may enjoy what by law is theirs, by a full and entire administration of justice.

“ And to the end that the fear of punishment may not engage any, conscious to themselves of what is past, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country, in the restoration of king, peers, and people to their just, ancient, and fundamental rights, we do by these presents declare that we do grant a free and general pardon, which we are ready, upon demand, to pass under our great seal of England, to all our subjects, of what degree or quality soever, who, within forty days after the publishing hereof, shall lay hold upon this our grace and favour, and shall by any public act declare their doing so, and that they return to the loyalty and obedience of good subjects, excepting only such persons as shall be hereafter excepted by parliament. Those only excepted, let all our subjects, how faulty soever, rely upon the word of a king, solemnly given by this present declaration, that no crime whatsoever, committed against us or our royal father, before the publication of this, shall ever rise in judgment, or be brought in question against any of them, to the least endamage-ment of them, either in their lives,



liberties, or estates, or, as far forth as lies in our power, so much as to the prejudice of their reputations, by any reproach or term of distinction from our best subjects; we, desiring and ordaining that henceforward all notes of discord, separation, and difference of parties, be utterly abolished among all our subjects; whom we invite and conjure to a perfect union among themselves, under our protection, for the resettlement of our just rights and theirs in a free parliament, by which, upon the word of a king, we will be advised.

“And because the passion and uncharitableness of the times have produced several opinions in religions, by which men are engaged in animosities and parties against each other, which, when they shall hereafter unite in a freedom of conversation, will be composed or better understood, we do declare a liberty to tender consciences, and that no man shall be disquieted or called in question for differences of opinion in matters of religion, which do not disturb the peace of the kingdom; and that we shall be ready to consent to such act of parliament, as upon mature deliberation shall be offered to us, for the full granting that indulgence.

“And because, in the continual distractions of so many years, and so many and great revolutions, many grants and purchases of estates have been made to and by many officers, soldiers, and others, who are now possessed of the same, and who may be liable to actions at law upon several titles, we are likewise willing that all such differences, and all things relating to such grants, sales, and purchases, shall be determined in parliament, which can best provide for the just satisfaction of all men who are concerned.

“And we do further declare, that we will be ready to consent to any act or acts of parliament to the purposes aforesaid, and for the full satisfaction of all arrears due to the officers and soldiers of the army under the command of general Monk, and that they shall be received into our service upon as good pay and conditions as they now enjoy. Given under our sign manual and privy seal at our court of Breda, this  $\frac{4}{14}$  day of April, 1660, in the 12th year of our reign.”

On the reading of this document, the restoration of royalty in the family of the Stuarts was voted by acclamation; and it was alleged, that the intentions announced by the declara-



tion not only comprehended the motives, but the conditions also of the recal. It was in vain that several presbyterians represented, that what had been demanded from Charles I. before his rupture with the parliament, ought to be obtained from his son; that the disputes would soon be renewed, if the amount of authority proper to be given to the latter were not fixed beforehand; and that it would be shameful for so much blood to have been spilled to no purpose. They were answered, that there was no time to be lost; that the revolutionists might, in some new trouble, resume their advantages, and that they must rely upon the wisdom and integrity of the monarch. The majority were satisfied with these reasons: blind, if they really thought that this manifestation of an unlimited confidence would have the same result for the nation as the reserve dictated by prudence; inexcusable, if, as it would seem, fear alone decided this appeal to the feelings of one whom prejudice, self-interest, and resentment necessarily precluded from acknowledging his father to be in fault.

If the resolution to recal the Stuarts had been taken with less precipitation, and the conditions of their re-establishment had been regulated by those presbyterians and church-of-England royalists, who might be considered as the true friends of the country, a settlement similar to that which took place *1660* twenty-eight years later would have removed far off all cause for a fresh revolution; but the declaration of Breda was an act of amnesty for the nation, instead of an acknowledgment of those rights which it had acquired at the price of so much blood; and such was the constitution of men's minds now, that they thought themselves fortunate in obtaining this pardon for their victories. All the acts which had been passed in disparagement of royalty were torn out of the journals of parliament, and the commons hastened to vote sums of money to be offered to the king, and to the dukes of York and Gloucester, his brothers. They went still further even than these, by proscribing all who had taken part in the death of Charles I., as if, in the heart of that king's sons, his execution were not regarded as the crime of the entire nation. It was, therefore, at a later period, a mere absurdity for men to invoke, at every act of fresh vengeance on the part of the Stuarts, the declaration of Breda, or to reproach Charles II. with it, as with a deception, because they themselves had been mis-

taken enough to regard it as anything other than what it really was. The declaration of Breda was no deception, for Charles II. proclaimed therein his good pleasure to be the basis of his sovereign authority. This principle, once admitted, could not be effectually established, but by the successive abrogation of all the concessions which royalty had been obliged to make since the reign of Elizabeth, and by the gradual extinction of the knowledge created by those political and religious discussions, which had given being to the revolution, and which great men of every class, orators, historians, poets, and savans, the glory of England, had spread abroad. This act, so readily accepted as a treaty of peace, was, in reality, the declaration of a new war, of a war which demanded on the part of the Stuarts far greater efforts than had been made by the nation to overthrow them, in the first instance.

In addressing his manifesto of Breda to the nation, Charles II. was, no doubt, himself unconscious of the infinite injustice and violence to which this principle of absolute sovereignty, admitted by the parliament with such strange want of caution, would lead him. This revolution, which his prejudices would not allow him to appreciate, he considered to be the work of a handful of factious men, and he was, therefore, scarcely capable of those deep designs, those systematic views, which might at first be conjectured from so conciliatory an address, so soon followed by tyrannical measures, and his successive rupture with each of the parties whose alliance he had sought. He had, in reality, but one idea, that of creating, somehow or other, a despotism sufficiently powerful to preclude its being at all questioned. There may have been this exception; although he made open profession of irreligion, he acknowledged that Roman catholicism was an excellent auxiliary to absolute power, and he felt how advantageous it would be for him, could he substitute it for that Anglican protestantism which, from matters of religion, had extended the right of discussion and examination to political affairs. This was, probably, the whole amount of his secret policy, a policy readily divined by those men who composed the parliament, and who had already combated the precisely similar projects of Charles I.

But no distrust was manifested, and if Charles II. committed the capital error of bringing again into discussion, by his de-



claration of Breda, a question which force had decided, and which force alone could decide again, the reception given him by England was not of a nature to enlighten him as to this error. The whole of his journey to London was one fête, one continued shout of rejoicing. He was young, and not ill-looking; he was full of frank delight at his un hoped-for return, and those who met him on his way, according to their rank or the class to which they belonged, and, more especially, according to the degree of republicanism for which they had to obtain pardon, thought they could not manifest too much enthusiasm, express too warmly their transports. The welcome given to the cavaliers who had accompanied the king in exile, and who now shared his triumph, was scarcely less cordial. The reconciliation between two factions, which so fiercely had fought each other, took place with wonderful facility. In these first days of union, no protest against the re-establishment of monarchy arose from among those who, more or less, had contributed to its overthrow; no resentment was as yet manifested by exiles, who could hardly believe their triumph. On both sides, the language of falsehood dulled the edge of threatening asperities, and for awhile adjusted the conduct and modified the passions of men to the imperious exigencies of existing circumstances. The resignation of the army was wholly silent; the joy of the citizens and populace was manifested by an ardent reaction against republican principles, and the austerity of revolutionary manners. "A spirit of extravagance," says an historian of that period, "and an immoderate joy, had seized upon the nation and banished all virtue and all piety; there was nothing to be seen but diversion and stage-plays; the three kingdoms were absolutely inundated with them, and morality everywhere soon became shipwreck. Under pretext of drinking the king's health, every kind of disorder, the worst excesses of debauchery, were indulged in. Those who had been mixed up with the revolution thought they could not better avert the reproach and suspicion that weighed upon them than by following the general current, by ridiculing, like the rest, all that could be called religion, by relating or absolutely inventing anecdotes tending to convict their party of impiety and absurdity."

The conduct pursued, after the king's arrival, by the par-



liament, short-sighted and feeble as it had been in his recal, in its forgetfulness of all national dignity, was far more serious in its consequences. The commons declared, in an address to the king, that they accepted, in the name of the towns and boroughs of England, the gracious pardon offered by the declaration of Breda. When they came to consider the exceptions which this document left to their discretion, they carried them so far that the king was obliged to moderate these demonstrations of their zeal, and to remind them that without the confidence placed in his promises of oblivion of injuries, neither he nor they would then be assembled in parliament. At their solicitation, however, he published a proclamation, in which he declared that all the judges of the late king who, after the lapse of a fortnight, should not have placed themselves in prison, should not participate in the amnesty. Forty-nine of these judges, designated regicides, were still alive; ten succeeded in escaping, ten others were taken in their attempted flight, and nineteen had the courage to come and surrender themselves. The parliament, exercising their discretion under the royal declaration, added to the number of regicides excluded from pardon, as to life and property, sir Harry Vane, one of those who had most contributed to the condemnation of the earl of Strafford, who, though distinguished among the republicans by his talents and his zeal, had refused to act as one of the judges of Charles I., and general Lambert, whom it had too much reason at once to fear and to hate. A great many other persons were declared incapable of holding any office for the future. As to the deceased regicides, such as Oliver Cromwell, Ireton, his son-in-law, Bradshaw the president, Pride, one of the judges in this too famous court, it was declared that their property should be confiscated, and that they should be subjected to such other penalties as it should please the king and parliament to inflict upon them.

In execution of this act, which was audaciously termed an act of amnesty, the twenty-nine regicide prisoners were delivered to a special commission, composed of courtiers, or of men who had betrayed the cause of the revolution, and tried upon the principle proclaimed by the two houses one of the foundations of the English constitution, that no person, no authority, not even the entire people, acting whether by itself or by its representatives, had the right to exercise phy-

(-ten regicides only were executed, viz: - Harrison, Carter, Post, Peters, Scott, Clement, Serpe, Jones, Axill & Parker: October 13<sup>th</sup> - 19<sup>th</sup> 1660.  
- Corbet, Barkstead & Okey: April 19<sup>th</sup> 1662-)

sical force upon a king of England. The judges of Charles I., who were considered as having violated this principle, whilst they themselves deemed that they had accomplished a great act of justice, presented themselves to the special commission. Devoted by anticipation, but still proudly erect, they sought not by legal subtleties to avert a responsibility which their very position rendered self-evident. Calm before a passion-guided tribunal, they astonished consciences not altogether at their ease, by the imperturbable conviction with which they defended that which they had done, and which the nation had but just learned to abjure. They were all condemned to death: those who had surrendered themselves were reprieved, the rest, ten in number, perished. Vainly, by the circumstances of their execution, did authority seek to involve them in ignominy; even upon the scaffold they showed that death, in their eyes, was not the punishment of a crime, but the consequence of a reverse of fortune; even royalist historians have admitted that they did honour to their cause by their martyrdom. In the course of the year, three other regicides, carried off from Holland in defiance of the law of nations, terminated their career in the same manner; and the exhumed bodies of Pride, Ireton, Bradshaw, and Cromwell, were suspended from gibbets, after having been insulted and desecrated by that class of the populace to which revolutions bring little else than these brutal gratifications.

Vane and Lambert were tried later, not as regicides, but as enemies of the restoration. Lambert was condemned to death; the weakness he displayed on the occasion satisfied his enemies, who allowed him to live. Vane maintained the great reputation he had acquired throughout the storms of the long parliament; he courageously represented to his judges that, after the death of the king, the nation had been sovereign *de jure* and *de facto*, and that royalty having then abandoned its own cause, it was ridiculous for it to come and demand an account of what had been done during its absence, and to claim to punish acts which all Europe had respected. "I could," said he, "have easily withdrawn into foreign parts from the vengeance which has now fallen upon me; but following the example of some of the greatest men of antiquity, I have preferred perishing in the defence of liberty, resolved to assert by my blood the honourable cause for which I de-

John  
Barker  
in April  
on January  
1661-



clared myself." His last moments were worthy of this simple and noble defence. Drums placed round the foot of the scaffold prevented his voice, once so dear to the people, from sending forth some dangerous truths. Vane was the last who expiated with his head a share in the revolution; many other independents lost their property and their liberty; tardy and hesitating reprisals, which amounted to a sort of restoration for their party. These acts of vengeance were fully as much the result of presbyterian hatred as of royal resentment. They were called acts of justice—striking and necessary examples. This is ever the language of victorious factions,—and of the miserable knaves who cling to them, and for their protection owe them proofs of devotion. There were many men of this stamp in the lower chamber,—ex-republicans,—valets under Cromwell, who now, as it were, regarded themselves as having changed masters. The proscriptions settled, the servility of some, and the real devotion of the rest, were displayed in their eager assent to the ordinary and extraordinary subsidies solicited by the court. The people's money was lavished with a profusion altogether without example, even in times of the most abject submission. The collection of the Acts of this parliament, in the space of less than a year, evidence the pillage of the public money, under the heads of sums voted to pay arrears, current expenditure, indemnities, or even as humble offerings. We there find—

50,000*l.* a present to his majesty; 20,000*l.* to the duke of York; 12,000*l.* to the duke of Gloucester; 10,000*l.* to the queen Henrietta of France, the king's mother; 10,000*l.* to each of the princesses, her daughters.

An act for the continuation of the monthly tax of 70,000*l.*, which it had been found impracticable to collect since the death of Cromwell.

Another act ordering the immediate collection of the arrears of the tax for the last twelve months.

An act imposing a poll-tax for the payment of the fleet and the army.

Another act to levy the sum necessary for disbanding the army.

An act for raising the king's annual income to 1,200,000*l.* Henry VIII., by his exactions, had realized a revenue nearly



as considerable; but no parliament had ever assigned so large an amount to any king.

An act to levy, within the space of a month, a sum of 100,000*l.*, upon landed property, to meet the pressing wants of his majesty.

An act for levying 140,000*l.* in anticipation of the monthly tax of 70,000*l.*

Other acts imposed taxes upon beer, cider, and other beverages; interdicted the cultivation of tobacco in England and Ireland, and granted sums for certain deficits in the produce of the taxes, or to compensate the king for some trifling loss. It were impossible to give the exact total of all these sums, which went, for the most part, to pay the foreign debts of the princes, and the expenses of their long conspiracy against the protectorate and the republic. The civil war had cost less than the restoration; and all that civil war had destroyed, to the enormous benefit of the people, was now re-established amidst the insane acclamations of the multitude. *(The fact was, Cromwell and his soldiers had partially undone the work.)*

The declaration of Breda had charged the parliament to examine the titles by which many officers, soldiers, and citizens held lands since the revolution; of the property thus distributed, all that had belonged to the crown was restored at once, and without indemnity; that which had belonged to the chapters and to the Anglican bishops, was also regarded as illegally obtained, and the holders were compelled to unqualified restitution. The property of the lords of the royalist party was only restored to a limited extent, because many of the cavaliers had returned to England during the protectorate and the republic, and had compounded for their lands with those who had bought, or received them by way of public recompence. All such arrangements, being regarded as perfectly free on both sides, were adhered to. The royalists who returned with the king, and who had not compounded, resumed possession of their estates without in any way indemnifying the purchasers.

The re-establishment of episcopacy as the state religion was the necessary complement of the restoration. Already, in pursuance of a royal proclamation, those of the former Anglican bishops who were still alive, had returned to

their diocese ; the Anglican chapters had reconstituted themselves,--several churches were again thrown open for this mode of worship,--and an assembly of theologians had received orders to revise the old liturgy, and to make such alterations in it as might be deemed necessary. The presbyterians were not entitled to complain of this, since the proclamation of Breda promised equal protection to all creeds ; but the assembly of theologians being desirous of making out reasons for some decided preference, it was considered that the presbyterian parliament would here encounter the only interest capable of putting a stop to its servile complaisance,--and its dissolution was pronounced. The king dismissed it with flattering phrases, and with promises for the future. He ever afterwards called this parliament, the good, the happy parliament ; alluding to the weak confidence which it had displayed.

## CHAPTER II.

## THE ANGLICAN SYSTEM.

(-1662-1668.)

The Anglicans at the head of the counter-revolution—Prosecution of the Scottish presbyterian leaders—System established in Scotland—Conferences at the Savoy between the presbyterians and the Anglicans—Persecutions of the presbyterians—The act against the presbyterians extended to the papists, and all the nonconforming protestants—Intrigues of the court to obtain a distinction in favour of the papists—Resistance of the ministry and commencement of opposition in the parliament—Composition of this parliament—Its laws respecting the army, corporations, the press, religion—Progress of the misunderstanding between the king and his Anglican ministers—Declaration of indulgences published by the king in favour of the papists—War with Holland—Complaints of the parliamentary opposition—Failure of the Anglican ministry to maintain a balance between the court and the parliament—The court and parliament overthrow the Anglican ministry.

THE administration which had concurred with the presbyterian parliament in the political restoration had, at the same time, prepared against this assembly the religious restoration, that is to say, the re-establishment of the ancient national church. The three principal ministers, the chancellor Clarendon, the lord treasurer Southampton, and the duke of Ormond, were zealous Anglicans, because they attributed to the presbyterian doctrines all the disorders of the revolution; they were men estimable for the private virtues and for the talents they had displayed at the head of the cavalier party. It was the duke of Ormond who had so long maintained the royal cause in Ireland against the republican arms. The king, since his return, had given him the viceroyalty of that country. Clarendon and Southampton had constantly accompanied the princes in their



exile, and had powerfully aided them in their negotiations with the foreign courts, and with the presbyterians, who had brought about the restoration. The king had also called to his councils,—or raised to the upper house,—some illustrious deserters from the revolutionary cause; amongst others, Ashley Cooper,—Monk,—created duke of Albemarle, and Denzel Holles and the earl of Manchester,—once the determined adversaries of Charles,—the former in parliament, the latter at the head of armies.

The earl of Clarendon was the chief of this administration, in which men full of zeal for the Anglican belief, were united with others who, during the storms of the revolution, had learnt to disbelieve everything,—religious creeds alike with political truths. The first contributed projects, the others simply their means of action. This was an unfortunate combination, for the projects were injudicious, and the means of action were fraud and intrigue. Thus, to bring about the re-establishment of Anglican uniformity,—to hasten the disbanding of the army, and to provide against any outbreak on the part of the disbanded troops,—and to keep the nation in that constant fear of disturbances, so favourable to the interests of the crown, the policy pursued by a ministry redeemed only by the private virtues of two or three of its members, was to attribute to the presbyterians the worst and most hostile designs,—to the soldiers conspiracies,—which it secretly fomented, and to attach suspicion to men whose reappearance in the next parliament it dreaded. A riot attempted in the streets of London by a few millenarian fanatics served as a pretext for the first attack upon the presbyterians. A royal proclamation,—restoring the old denomination of nonconformists,—as applied to all who did not belong to the Anglican church, forbade these to hold any religious assemblies out of their places of worship, until a conference between the bishops and the presbyterian ministers had regulated the existing differences on the subject of the Liturgy. The prohibition applied to the presbyterians as well as to the quakers and the millenarians; but events in Scotland more clearly warned the presbyterians of the fate reserved for them by a ministry whom, from their hatred of the republicans, they had already enabled to proceed to such extremities.

After the restoration, the council had deliberated whether liberty should be restored to Scotland, or the military government established by Cromwell be still maintained there. Notwithstanding the joy which the Scots had manifested at the restoration, Charles inclined to the latter proposition, which would secure to him for the future the submission of Scotland. He yielded, however, to the representations of his ministers and of the Scottish lord, Lauderdale, whose great services to the royal cause had procured him much influence with the king. Scotland was authorized to reconstitute her parliament, which since the second invasion of Cromwell had ceased to exist. The Scottish lord, Middleton, who was charged with the execution of this measure, which he himself had opposed, made use of it for the re-establishment of episcopacy in Scotland. He recalled to the parliament the bishops, who had been excluded from this body since the reign of James I., and succeeded in keeping out those men who had acted as leaders of the presbyterians during the revolution. Another question, also discussed in the council, was, whether the amnesty of Breda, being addressed only to the English parliament, should be extended to Scotland. In Scotland, where, as we have seen above, there had been neither independents nor regicides, this act of pardon could have no other object than that of re-assuring the presbyterians, and Charles II. did not think it necessary to display so much consideration towards them. He knew that the Scottish presbyterians, as a religious sect, were far more hostile to the absolute authority at which he aspired than the English presbyterians were, as a political party. He therefore availed himself of the special manner in which his promise of pardon designated his English subjects, to hurl down upon the Scottish presbyterians the weight of a vengeance, which elsewhere he deemed it too perilous to execute. The energy which they had displayed in commencing the insurrection with their own forces alone, and, later, during his residence amongst them, the daring freedom with which they had censured his private conduct, were crimes which were always present to his mind, and the punishment of which, his courtiers urged, concerned the honour of the crown. His lieutenant, Middleton, directed against lord Argyle, the possessor of immense domains in the west of Scotland, and the most ancient and distinguished of the presbyterian chiefs, an



impeachment concocted in the privy council. A confidential correspondence between the earl and Monk was produced in support of the impeachment. This correspondence, which Monk infamously delivered up, vaguely established that part of the accusation admitted by the Scottish parliament in the terms invented by Middleton—namely, *the presumption of complicity* in the death of the king. The letters of Argyle proved that he had been intimate with some of the judges of Charles I., but in no degree that he had approved of their sentence; however, the *presumption* was declared *sufficient*. Argyle, condemned to death, was executed at Edinburgh, in presence of a vast assemblage, who were deeply affected by the sight of his white hairs, his calm resolution, the fervour of his prayers, and his protestations of attachment to the covenant.

Middleton next, from among the presbyterian ministers, selected for trial as a factious perturbator, one Guthrie, whose condemnation he knew would be particularly agreeable to Charles II., because this minister was one of those who had offended him by their remonstrances while he was in Scotland. As there was no precise charge made against him, he defended himself as a man fully convinced that authority was resolved to make an example of him; and he disconcerted all the hopes of those who wished to save him. He received his sentence of condemnation as the promise of a martyrdom, the object of his wishes. “I saw him executed,” says Burnet; “it was less resolution than a perfect disdain of death. He spoke for an hour upon the scaffold with a calmness which seemed more to belong to a preacher who delivers a sermon than to a man who pronounces his last words. He justified his conduct, and exhorted the people to remain faithful to the covenant, which he exalted in pompous terms.”

After Guthrie's execution, other men who had been distinguished in the presbyterian party as opponents of royalty, or of the tyranny of Cromwell or that of Monk, were tried and condemned, but obtained their pardon; which, morally, was equally grievous to the presbyterian party.

In England, the conference, called the conference of the Savoy, having been prolonged through several months without bringing the Anglican bishops and the presbyterians to agree upon any one point, was dissolved; and almost at the



same time a new parliament was convoked, destined to make brief work of the questions so fruitlessly discussed in the conference. The elections had taken place amidst the rejoicings at the coronation of Charles II. The nation had hitherto applauded every act of vengeance upon the republicans. The confidence placed in the intentions of the monarch and of his ministers was so great, that the elections had everywhere fallen upon the candidate supported by the court. The presbyterians thus numbered very few members; and it was the same with the cavaliers, to whom the ministry thought it politic not to manifest any peculiar favour. The new members were landed proprietors, barristers, merchants, people in office; all of them steeped in the infatuation of royalism which pervaded the entire population. Yet the ministry, in supporting them as sincere friends, were mistaken, as they themselves mistook the true character of the hatred which they exhibited against the revolution. In general, as to religion, they had got back into a vague protestantism. Weary of the infinite quarrels among sectaries, whose zeal now appeared merely a dangerous, half-insane folly, they were inclined to think that the re-establishment of episcopacy in its old supremacy was necessary for the confirmation of royalty.

At the opening of the session, the chancellor Clarendon strengthened this tendency by drawing a sombre picture of the perilous aspect presented by the insubordinate spirit of the preachers and soldiers. He said, that certain scandalous discourses delivered from the pulpit, coupled with the indications furnished by an extensive correspondence which had been intercepted, showed that the restoration had many hidden enemies. He added, that he would not name any particular person or any sect; but that, in a general manner, he would not hesitate to affirm that the enemies of the Anglican church were also the enemies of the existing political system. The chancellor's speech, dictated, according to every appearance, far less by the conviction that any such dangers existed, than by his hatred to the presbyterian party, made a deep impression upon the lower house, which immediately resolved, by a considerable majority, that all its members should, on a certain day, publicly receive the communion according to the Anglican liturgy. It

(i.e. publickly profess their Churchman's belief.)

also ordered that the Scottish covenant, and the act under the same title, adopted by the presbyterian parliament in 1643, should be burnt by the hangman. The war thus declared against the political and religious doctrines of the presbyterians was energetically followed up. The act of the 17th year of Charles I., which excluded the bishops from the upper house, was revoked by another act. An act entitled the Corporation Act, ordered that for the future, in order to be assured that all the members of corporations were attached to royalty, every mayor, alderman, common councilman, or simple officer of the corporation, should, in addition to the former oaths of allegiance and supremacy, take an oath of abjuration of the covenant, and another in these terms: "I, A. B., do solemnly declare that it is not lawful, upon any pretence whatsoever, to take up arms against the king; and that I do abhor the traitorous position of taking arms by his authority against his person, or against those who are commissioned by him, in pursuance of such commission. And I do swear that I will not, at any time to come, endeavour the alteration of the government, either in church or state. So help me God." This oath was a bitter condemnation of the past conduct of the presbyterians; a conduct which they had, however, disavowed by effecting the restoration. Another act was drawn up to establish uniformity in the public prayers and in the administration of the sacraments.

A short prorogation of parliament took place, during which the ministry made every effort to dispose the public mind for receiving this act. The means employed were the same which had been already adopted since there were no longer regicides or marked republicans to attack. A rumour was got up of a vast conspiracy, plotted in common by all the nonconformists, and which was to break out by the insurrection of the disbanded soldiery. No doubt there were many of these men, who, in their tavern-meetings, seriously discussed the means of overthrowing, without chiefs or arms as they were, an order of things which they had not been able to prevent the establishment of when they had arms in their hands; but these were ideas inspired by regret for the past, and present distress. Cromwell's body of police, who had passed into the service of the king's ministers, knew and



watched these ex-officers. They had recently been forbidden to approach within twenty miles of London. The population had everywhere declared against them. The chancellor Clarendon must have known how little they were to be feared, how little the explosions of religious enthusiasm which might burst from the presbyterian pulpits were likely to be contagious. He had not, and could not, furnish any proof of the existence of the plots which he denounced; yet the fears which it suited him to feign communicated themselves to men less in a position to judge of the reality of the danger; and the parliament, as soon as it met, voted the *Act of Uniformity*.

By this act, it was ordained that all ministers should, on penalty of losing their benefices and being prosecuted under laws anterior to the revolution, conform to the worship of the Anglican church, according to the ritual just revised; should declare upon oath their approval of the entire contents of that work; should present themselves before the bishop to receive ordination, and should renew their oath to the king as head of the Anglican church. A brief interval was allowed them in which to prepare for this abjuration of their principles and their discipline. The reader is aware, that one of the prerogatives denied to Charles I. by the presbyterians, was the disposal of the armed forces of the kingdom, and that it was upon this question the rupture more immediately took place; the present parliament, dominated by the idea that the only way to preserve royalty from fresh dangers would be to render it stronger than it had ever yet been, passed a resolution that the government, the administration and disposal of the militia, of the army and navy, and of all fortified places, was, by the laws of the kingdom, the right of his majesty; that neither of the houses of parliament nor both together, had power to make war, defensively or offensively, upon their lawful sovereign; that, accordingly, all lords-lieutenants of counties, generals, officers, soldiers, and sailors, should be called upon to take the following oath: "I, A. B., do declare that it is not lawful upon any pretence whatsoever, to take arms against the king; that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him." This was almost word for word the same oath which had just



been imposed upon the members of corporations. The principles enumerated in these various acts were supported by rigorous penalties. Attacks, direct or indirect, seditious remarks spoken or written against the person of the king, any observations questioning the power which parliament acknowledged to belong to him, in virtue of his right of succession to the crown, were declared to be high treason. The attacks which might proceed from the press being most easily provided against, parliament took especial steps to anticipate them.

The press had not become a power until the Anglican reformation made use of it against catholicism; but even then, Henry VIII. had kept it in check by limiting its exercise to the production of bibles, prayer-books, and controversial works directed against popery. Queen Mary made the printing of books the privilege of a company, bound to observe strict regulations, and subject to the arbitrary jurisdiction of the Star Chamber. The number of presses and of working printers had been limited under the following reigns; and throughout the revolution the press had been equally restricted by the various parties who had been successively victorious; but in these days of confusion and excitement, when the most rigorous laws failed to silence the utterance of thought, the clandestine press produced the greater portion of those writings which influenced the public mind, and a prodigious number of obscure pamphlets. At the period which this history has now attained, parliament gave the privilege of the press to a corporation, called the Stationers' Company, with the following regulations: books connected with law and legislation were to be sanctioned by the chancellor or one of the judges; works of history or of a political nature, by the secretary of state; works on heraldry, by the king at arms; and works on theology, physics, and philosophy, by the bishop of London and the archbishop of Canterbury. Books printed at the Universities were to be subject to the licence of the respective chancellors. The number of printers employed by the company was limited to twenty, each of whom was to provide good security. The censors might require the name of the author of every work to be given to them. It was further enacted, that, by the order of the secretary of state, or on the demand of the pri-

vileged company, the king's officers might forcibly, and wherever they found them, take possession of all works published clandestinely, or which had not been licensed by the censors; and that the authors of all such works should be liable to the jurisdiction of a tribunal, consisting solely of the bishop of London and the archbishop of Canterbury; finally, that for the future no printing press should be permitted, except in the cities of York and London, or in the principal universities. The act was to remain in force for three years, at the expiration of which period its provisions might be renewed, or modified every three years.

The government had thus to carry into execution, at one and the same time, important laws respecting the press, the disbanded troops, the corporations, the army, and religion; laws, all of them more or less tyrannical, but as yet not so regarded by the nation, because they applied only to people whose disaffection towards the established government was openly manifested. The Corporation act gave rise to much vexation. The officers charged with administering the oath in the counties and towns at a distance from London, ejected from the corporations all those whom they did not consider imbued with the existing principles of the house of commons, and exercised very great rigour in the process of expulsion. They levelled the walls of several towns which had signalled themselves in the wars against Charles I. The Act of Uniformity obliged many ministers to abandon their livings, and in some counties the repugnance of the people to attend the Anglican churches, and to take part in a service performed by clergymen in surplices, was extreme. It was not, however, in this way that the favourite work of Clarendon, of the bishops, and of the lower house was to be assailed.

Under the general name of nonconformists, the Anglican church persecuted at once the anabaptists, the millenarians, the presbyterians, and the catholics. Now, the latter had powerful supporters at court, and, more than this, were filled with high hopes. The papists had been throughout the civil war the indefatigable partisans of Charles I. During the exile of the princes they had not, like the presbyterians, and many members of the church of England, concurred in the despotism of Cromwell. The king, as we have seen, pre-



ferred this religion to all others, not as one of purer doctrine, but as one better adapted to promote the interests of monarchies. The duke of York, his brother, had a still more decided inclination for it; though intimately connected with the minister, Clarendon, whose daughter he had first seduced and then married, and of whose general administration he was a strenuous supporter, he censured him warmly for this persecution, common to catholics with presbyterians. The queen-mother was a zealous catholic. The king since his return had wedded a papist princess. The court was filled with priests of this religion, in the service of the two queens; these circumstances determined Charles in requiring of his ministers and the lower house, to make a distinction in favour of the catholics, and, not obtaining his object, he complained that the promise he had given in his declaration of Breda was broken against his will. He had announced equal toleration for all, he said, and he would give it; he was master, and he needed no other person's sanction. The ministers, Clarendon and Southampton, represented to him, that if there was one sentiment which, more powerfully than any other, predominated in the breast of Englishmen, it was the hatred of popery; that the gunpowder-plot, the executions under queen Mary, the massacre in Ireland, were not forgotten; that the slightest mark of favour given to the papists would again raise into importance the presbyterians, and other men still more dangerous; and that, since rigorous measures against the presbyterians were deemed essential, it was equally essential to preserve these measures from unpopularity, that they should be extended to the papists and to all nonconformists whatsoever. These arguments failed to influence the king, who intimated his intention to publish a proclamation modifying, in favour of all nonconformists without exception, the excessive severity of the act of parliament.

This was the commencement of a misunderstanding between the king and his Anglican ministers, which, on the part of the former, became determined hostility, and, before long, he yielded without reserve to the inclination which drew him towards other men, whose personal profligacy encouraged his own—men, who were the companions of his debaucheries, and the obsequious flatterers of his mistresses; men, who were enriched by his prodigality at the expense of



the people. Regarded with dislike by Clarendon and Southampton, who throughout had inspired the king rather with respect than with either confidence or friendship, they destroyed the credit of those ministers, by scoffing at their principles,—by insinuating distrust of their intentions,—and by ridiculing their language and their manners. The latter expedient was of all powerful effect with Charles II., who infinitely preferred the councils of men who amused him by the sallies of their wit, and interested him by their brilliant vices. First among these was Buckingham,—whom a precocious maturity in every sort of corruption had, from earliest manhood, rendered master of the weak and profligate mind of Charles II.; then Ashley Cooper,—less noted for the disorders of his private life than for his political treachery, and whose conduct at the period of the restoration has been described; next came Bennett,—afterwards earl of Arlington,—a man said to be skilful in state affairs, but whose part at court was merely that of a subordinate go-between; Berkley,—who shared with him the superintendence of the king's pleasures and the management of the royal mistresses; Crawford,—a man whose inferior talents were compensated in the opinion of his profligate associates,—by his pre-eminent capacity for debaucheries of every kind; lastly, the Scottish earl Lauderdale, a cold libertine, who, unlike the other favourites,—was a man of dull mind and awkward exterior,—but who secured the attachment of Charles II. by the ardour with which he concurred in every measure of tyranny. Each of these men had about him two or three dependents, of a quality presenting some analogy with those which had procured his own elevation to favour, and in such company Charles passed all the time which he did not give to his mistresses,—or could refuse to his ministers. It may readily be imagined that these councillors,—most of them overwhelmed with debt and leading dissolute lives,—would, in common with the king, desire that the parliament should be brought to a state of submission, of more practical utility than that which consisted in protestations of loyalty. The cry with all of them at this moment was,—Toleration. The earl of Bristol, who participated in their intrigues, out of personal hatred to Clarendon, and because, having, while in exile, embraced the catholic religion, he felt himself endangered by the act against nonconformists, exerted himself to the

utmost to stifle in its birth the Anglican opposition, favoured, as he said, by the treachery of the chancellor.

This opposition manifested itself from the first moment that the favour of the king towards the catholics became perceptible. The royalist fervour, which had animated the first sittings of the lower house, while the nation was under apprehension of the independents and of the presbyterians, had passed away with the danger which called it forth. The majority did not at all pique itself upon abstract patriotism; the very word was still under proscription, from the constant use which had been made of it by the republicans. Many members held offices under the court; yet, at the first breath of new alarms, the house armed itself against its known and against its hidden foes, with an inexorable dictature, which it would have been perilous to have sought to wrest from it. Charles II., reduced to the necessity of mitigating the condition of the catholics, by means of toleration, published, contrary to the wishes of his ministers, a declaration of indulgence, the tardy fulfilment of his promises from Breda, which had been so frequently invoked by the proscribed republicans. Citing the article of the Breda declaration which announced liberty of conscience: "We at first applied ourself," said he, "thoroughly to establish the uniformity of the Anglican church in all that concerns discipline, ceremonies, and government, and we continue firmly resolved to maintain it; but as to the punishment of such as, comporting themselves peacefully, still feel a difficulty, from misdirected delicacy of conscience, in conforming to the English church, and practise, without indecency, the worship suited to their principles, we purpose *as far as it may be in our power, and without prejudice to the privileges of parliament*, to call upon the wisdom of parliament in the next session, to concur with us in some measure that shall authorize us, with general consent, to exercise the dispensing power which we deem inherent to our royal person."

Notwithstanding the extreme reserve with which the king here expressed himself, the parliament that met shortly after the publication of the declaration of indulgence, did not accept its affected scrupulousness for the fulfilment of a promise which experience had already more than once shown to be altogether futile. The house of commons, meeting artifice



with artifice, represented that the king's promises had been only conditional, and that the two houses, fulfilling the confidence which he had displayed in them, when he left it to them to make what exceptions and limitations they thought fit, had resolved to release him from obligations which might be productive of detriment to the Anglican church and favour the Catholic schism. An address, following up this remonstrance, prayed the king to lay aside that extreme indulgence which had brought into England so many Romish priests and jesuits, and required from him a proclamation, commanding all such persons to quit the kingdom within a certain brief time. Ministers urged upon the king the essential necessity of satisfying the parliament in this matter, and he accordingly issued a proclamation; but an exception, introduced by the consent of parliament itself, in favour of the priests attached to the service of the two queens and of the ambassadors from Catholic powers, neutralized the whole measure, for a host of English priests remained under shelter of this exception, which availed them for a long time. The declaration of indulgence was practically maintained.

In the same session the commons granted the king, at his request, an increase of his civil list, which they raised from 1,200,000*l.* to 2,000,000*l.*; they passed over, without any expression of dissatisfaction, the sale of Dunkirk to the French, a transaction sanctioned by Clarendon, and the proceeds of which had been almost instantly dissipated by the king in vicious prodigality. Less compliant upon the question of his authority with reference to the disposal of the militia, the commons passed a resolution that the king could not keep them under arms for more than a fortnight in each year, a resolution intended less to relieve the militia, than to prevent the king from making an instrument of that body. In the following session, Charles answered this mark of distrust by displaying a solicitude for his royal prerogative even exceeding that which parliament had hitherto manifested. The new attitude of this assembly operated as a warning that, ere long, if unchecked, it might proceed still further; he required from it the repeal of the triennial bill, assented to, twenty-four years before, by Charles, and in virtue of which the two houses were empowered to meet of their own act, at the expiration of three years, should



the king refuse (or neglect) to convoke them. Parliament repealed the act, which was drawn up in terms which did not meet its present views, and contented itself with retaining the general provision that no interval of parliament should exceed three years. On its part, parliament passed several new laws against the nonconformists, without distinction of sect. It was enacted that if more than five persons beyond the number composing a family, assembled with that family for any religious exercise, each person present should for the first offence pay a fine of 5*l.*, or undergo three months imprisonment; for the second offence, 10*l.*, or six months imprisonment; and for the third offence, a fine of 100*l.*, or be transported beyond seas for seven years.

A resolution passed in the same session, by the house of commons, on the subject of certain commercial grievances of England against Holland, occasioned a rupture with this republic, at that time the immediate rival of England. The almost European war which ensued, diverted for a while that legal struggle, but just commenced, in which, on the one hand, parliament, under cover of religious convictions, sought to regain by degrees the national liberties which the weakness of the presbyterian parliament had entirely sacrificed, whilst on the other hand, royalty, compelled by its daily recurring necessities to abate more and more of its original pretensions, imperceptibly lost again the ground which it had so rapidly recovered.

The commercial prejudices of England, her hatred of a new people, inferior to herself in power, but who yet, by dint of skill and industry, were not unsuccessfully competing with her in all the markets of the world; the financial embarrassments in which the king was involved, and which a war alone could terminate; the intrigues and turbulent projects of the daring and ambitious men who shared his pleasures; the solicitations of the duke of York, a man strongly impressed with the idea of maintaining and extending the colonial interests of England, and who, consummately skilled in every branch of the theory of navigation, desired an opportunity of putting his knowledge to practical use, and of thus giving himself distinction; finally, the opinion generally prevalent, and not without some foundation, that the Dutch were endeavouring to reinstate the republican party in England, and were in active correspondence with the presby-

terians of Scotland: all these circumstances combined to decide the ministry in favour of war, and war was accordingly declared by the king, after protracted negotiations which gave both nations time to prepare for maintaining at home the hostilities which had already begun in their remote colonies. Parliament granted to the king, to defray the expenses of the war, the largest subsidy (2,500,000*l.*) that ever king of England had obtained, and in return experienced no opposition to the laws which it was pleased to frame against those internal enemies whose alliance with the Dutch appeared no longer matter of doubt.

Whilst the duke of York, with a numerous fleet, assailed the Dutch at sea, and Denmark and France, who had given way since the commencement of the dispute to the tortuous combinations of the famous Balance of Europe system, took part with the United Provinces, parliament at home passed against the nonconformists the Five Mile Act. This measure prohibited the refractory ministers, under a penalty of six months' imprisonment and a fine of fifty pounds, from coming within five miles of the place where, in consequence of their nonconformity, they had ceased to exercise their ministry.

These new restrictions, with those resulting from the act against private assemblies called *conventicles*, were intended to drive the nonconformist presbyterians to extremities; but in England public opinion was already greatly modified. The conduct of the parliament, comprehended in its meaning by many rigid presbyterians, decided them to submission and to a junction with the anti-papist system, by means of which the episcopalians had created the only legal resistance at all practicable. Those nonconformists who, less politic or more unbending, persevered in exposing themselves to the rigour of the laws, were pitied, but not supported. After the terrible persecutions that had been witnessed, in a period when any resistance was visited with death, men were very ill disposed to agitation about mere fines and imprisonments.

The case was altogether different in Scotland; that unhappy country still continued to be governed by a stupid, obtuse parliament, acting wholly under the dictation of lord Rothes, a man exactly resembling lord Middleton, whom he had succeeded in office, and of the privy council at London, and of another, regularly corresponding with this, at Edin-



burgh. The Act of Uniformity, immediately after its publication in England, had been adopted by the Scottish parliament. The bishops despatched from England to superintend the re-establishment of episcopacy in Scotland, were, with the exception of Leighton, himself one of the most virtuous and most learned men of his time, either people of no character, and ready to allow any tyranny to be exercised in their names, or actual creatures of the intriguer Sharp, who had been appointed archbishop of St. Andrews. This Sharp was a wretch, who throughout the revolution had worn every mask, and feigned each fanaticism that had successively become the order of the day. His vehement professions of inordinate zeal for the person of the monarch had, since the restoration, placed and kept him in favour. He was the close friend of lord Rothes, and, like that nobleman, involved royalty in general odium by his connexion with it.

The religious revolution which these persons had undertaken to effect in Scotland by violence, could only be the work of time. Here resistance had its bulwark in the manners and morals of the people, and not in their interests. The natural tendency of the Scots to exaltation found in the contemplation of an invisible world an attraction to which the sufferings of actual life, the horrors of persecution, gave a still higher colouring. The ministers of that presbyterian creed, so dear to the nation, had, says an historian of the period, brought the people to so advanced a condition of mental culture, that even the commonest labourers and servants extemporized prayers with a fluency of ideas and a facility of expression which astonished even persons who were prejudiced against them. They assembled in the evening to pray and read the Scriptures, and at these meetings every one present, man and woman, was requested to communicate his or her thoughts to the rest. It was by this mental discipline that the people had attained a degree of knowledge and learning on theological subjects which has never been met with elsewhere among the same classes. When the Scottish presbyterians were prevented from fulfilling these pious rites in their churches, most of which were shut up, they assembled in their houses, or in the open air. The Conventicle act prohibited these meetings, but it was no easy matter to surprise those who repaired to them. The



people mutually aided each other, and refused to serve as witnesses against one another; the churches were generally abandoned, and if any one presented himself there at all, it was merely to insult the intruding minister nominated by the ecclesiastical council under the presidency of Sharp. In the western districts, where resistance was favoured by the mountainous character of the country, the presbyterians went armed to the conventicles. The local agents of authority being unable to suppress these assemblages, the king sent a reinforcement of regular troops, under the command of one Turner, who seized the principal inhabitants as hostages, and scoured the country with a list of those who did not attend the churches, from whom he rigorously exacted fines, and, in addition, personally misused when he was intoxicated, a circumstance of frequent occurrence. His soldiers, billeted upon the people, were left wholly to their own discretion, and, assured of impunity, committed every description of outrage.

Such was the situation of Scotland when war broke out *in 1666* with Holland; the presbyterians were so cruelly persecuted, that ready faith might be placed in any rumour of their holding correspondence with the enemy. Charles II. received from his agents at Rotterdam information that the Scottish refugees there were in active agitation, and that the States-general seemed disposed to assist them with money and arms. He immediately summoned from Russia generals Dalziel and Drummond, two officers who had served him in the civil wars, and whose hard souls he knew to be proof against any touch of pity. These men were despatched into Scotland with considerable forces, which they were directed to quarter upon fresh districts of the country. The apprehension of being utterly exterminated drove the presbyterians to revolt. Two thousand men, suddenly collected at Dumfries under the command of their ministers and of two or three retired officers, proclaimed the covenant, and seized upon Turner, whom, however, they dismissed unharmed, when they found, from a perusal of his papers, that he had been far from carrying out the barbarous instructions given him under the hands and seals of Sharp and lord Rothes. General Dalziel marched from Edinburgh at the head of his regular and disciplined troops against the half-armed, half-clothed insurgents, who were designated whigs. He met them advancing to attack him,  
*(i.e. or puritanical fanatics)*

and had no difficulty in compelling them to retreat. The presbyterians, hemmed in upon the Pentland-hills, killed some half dozen of the royalist soldiers, and themselves lost forty men; most of the remainder made their escape. This skirmish sufficed to end the rebellion. Dalziel sent the leaders prisoners to Edinburgh.

Archbishop Sharp, who, from the first intelligence of the outbreak up to that of Dalziel's victory, had exhibited the most despicable pusillanimity, now resumed all his sanguinary energy in the punishment of the unhappy prisoners. Ten of them were called upon to choose between abjuration of the covenant or death, and they unhesitatingly adopted the latter alternative. They were all hanged, after having, under protracted tortures, given their testimony, as they expressed it, to the covenant. Maccail, one of their ministers, was in particular subjected by the executioners to the utmost refinement of suffering which their cruelty could invent; but nothing availed to overcome his resolution, and the torturers gave over their task in very weariness. Whilst they were breaking his limbs with iron wedges, he exclaimed: "Farewell, sun, moon, and stars! Farewell, world and time! Farewell, poor, fragile body! Behold, I see before me eternity! I see before me God, the universal judge!"

Whilst, in the name of the king, these horrors were being committed at Edinburgh, Dalziel had quartered his soldiers over the insurgent country, and, to use his own phrase, was converting the inhabitants to episcopacy; in other words, driving them by force to the episcopal churches. He absolutely threatened to spit and roast alive those who refused to obey; and with his Moscovite habits, this would have seemed to him merely one mode of punishing among the rest open to him. He himself, in drunken fits, killed several recusants with his own hand; and ere long diffused so general and so profound a terror, that when the king deemed it advisable to recall him, with Sharp and lord Rothes, the unhappy presbyterians had become so subdued that they did all that was required of them, though under the immediate influence of far less rigorous means.

These atrocities took place during the war with Holland. It is painful, on turning to what was passing contemporaneously in England, to have to admit that, horrible as these



atrocities were, they almost inevitably resulted from the system adopted by the English parliament and ministry. They are a melancholy illustration of the effects of religious intolerance, when employed as a political weapon. In the hands of the Anglican party, this weapon was made use of against the papists; and it so happened that each blow it struck at the papists fell also upon the presbyterians. It is very possible, that English liberty owes no inconsiderable debt to the fearful policy which consented to the extermination of one class in order to secure the persecution of another; but never, throughout the revolution, was that noble cause promoted by more odious means. Never has the detestable sophism of *wholesome murder* so flagrantly outraged all reason and humanity; and yet the same horror has never attached to the names of the leaders of the Restoration long parliament as to those of Cromwell, Bradshaw, Ireton, and the members of the Rump parliament. The reason is, that the times which have since elapsed have not been such as to allow of full justice being rendered; that the prejudices which then blinded the Anglican opposition have not even yet passed away.

Yet, of the just abhorrence inspired by the persecution of the Scottish presbyterians at this period, the far larger proportion should fall upon Charles II.; he was the chief culprit, not from the negligence which he generally manifested in public affairs, but, on the contrary, from the eager solicitude with which he sought out men capable of the utmost excesses, first in ruling, and then in reducing those whom he insolently designated a nation of brutes. The parliament allowed him to take his own course in the matter unquestioned, thus adopting all the consequences of its laws against the nonconformists. These laws were not, as regarded many of the members, the result of that cold calculation which has been made a reproach against Clarendon, but of the habit of intolerance engendered by two centuries of religious strife. The parties who had effected the triumph, and then lost the cause of the revolution, had given to this great social movement its religious character; and, since the post, abandoned by the presbyterians, was at this time menaced by that Christian sect, which, of all others, had most blood to expend in its struggle for rule, the course pursued by the

(i.e. the Cromwellians)

1660



Anglican parliament to maintain the attitude which the force of circumstances had enabled it to assume,—merits more than ordinary attention.

One fact that may, to a certain extent, explain its indifference on this subject,—is,—that at the time it abandoned the Scottish presbyterians to the tyranny of Sharp and of the earl of Rothes,—the English parliament was itself surrounded by scenes of desolate affliction,—and by cries of public distress. The subsidies, so lavishly granted to the king to defray the expenses of the war, had been employed, before the eyes of the whole population, to purchase the favours of dissolute women. The progress of the war had been most unfavourable to England: the famous admiral,—De Ruyter,—burned and sunk whole squadrons; the sailors were ill paid and ill fed; the plague had half depopulated London; and this scourge had scarce begun to pass away, when a terrible fire destroyed thirteen thousand houses in the metropolis. De Ruyter at length carried his daring so far as to insult the coasts and ports of England,—and, sailing up the Thames,—threw terror into London itself. Peace alone could terminate this multiplication of dangers and disasters; it was accordingly concluded at Breda,—upon conditions altogether humiliating to England.

At this juncture, discontent becoming general, dissipated the old distinctions of party; the public sympathy received, with a feeling wholly adverse to Charles, the complaints of some of his faithful adherents, whom, when he could dispense with their services, he had left to exist in misery, while favourites and courtizans wallowed in a luxury which seemed to grow more and more monstrous in proportion as the public calamities grew more and more overwhelming. All the rumours respecting the conduct of the duke of York with the fleet; the conjectures created by his total insensibility amidst the fire of London; the accounts of the debaucheries which the king had not ceased to indulge in, even when De Ruyter was advancing up the Thames; a thousand accusations, many of them obviously absurd,—found full credit with an oppressed and irritated people. All the debates and all the proceedings of the parliament during the two years filled with such disastrous events, bear the impress of the agitation and distrust which pervaded the national mind. The lower house, to ensure the execution of the laws against the nonconformists,

attempted to enact an oath, called the non-resistance oath, which, in point of fact, involved neither more nor less than the obligation upon all dissenters to abjure their belief. The measure was only rejected by a majority of three. On the occasion of the fire of London, the popular rumour which attributed this catastrophe to a popish conspiracy received a sort of confirmation from the solemn inquiry made into the subject by the two houses. The inquiry ended in nothing; yet parliament authorized the erection of a monument, bearing an inscription which charged the conflagration upon the papists; and again demanded from the king the promulgation of an ordinance expelling all jesuits and Romish priests from the kingdom without delay. Lastly, proving more clearly than anything else the degree of distrust in which the court was held, the king having, on the appearance of Ruyter in the Thames, hastily assembled an army of twelve thousand men, the parliament, immediately that the danger had passed off, required the instant dismissal of this force, and would grant even the usual subsidies upon no other terms.

Such a multiplicity of blunders in the administration, in the government, in the conduct of the war, in the external negotiations affecting the honour of England, could not be submitted to by a nation of late so powerful and so respected, without the sacrifice of at least one victim to the general discontent. The spleen of all parties, accordingly, was directed against the chancellor Clarendon; a circumstance that at first may seem strange, after what has been said of his alliance with the party which ruled the two houses, and appeared predominant out of doors. But Clarendon having discountenanced the rupture with Holland, at a time when all England desired it, the ill-conduct of a war, which he had thus disapproved of, was made matter of reproach against him, as if it had been the result rather of his secret ill-will to it, than of a want of due ability. He had been endeavouring of late to keep the balance between what people were again beginning to call the court party and the national party; and the king, by throwing upon him the responsibility of all that had been done, gladly seized the opportunity thus afforded of emancipating himself from the earl's troublesome austerity; while, on the other hand, the parliament, in punishing him for various acts wherein he had exhibited over complaisance



towards the court, found occasion to send forth a general reprobation of the waste of public money. Unluckily for his reputation, Clarendon's private fortune had become largely augmented since his accession to office; and, with the people, this at once summed up and clearly confirmed every possible imputation.

The king therefore thought he should be gratifying the country, in common with himself, in announcing to it the dismissal of the chancellor; parliament went farther than this, and impeached the earl. It is perfectly easy, however, to see from the terms of the impeachment itself, that the greater portion of the grievances alleged against the disgraced minister directly applied to the king himself. Each of its articles was, so to speak, the protest of one or other of the classes whom the restoration had already rendered discontented. Thus, Clarendon was charged with having counselled the king to levy an army for the purpose of ruling in an absolute manner; with having said that the king was a papist; with having caused the transportation of several persons in an illegal manner; with having counselled the king to sell Dunkirk, and with having corruptly received a portion of the purchase money; with having deprived most of the corporations of England of their charters; with having betrayed the king in the negotiations connected with the late war; with having counselled the division of the fleet, which had given the victory to the Dutch; finally, with having authorized various measures impeding the ordinary course of justice. This latter accusation referred to various attempts of Clarendon against the independence of grand and petty juries. The trial by jury was one of those institutions which the English had been the first to appreciate the importance of; the absolute kings, from Henry VIII. downwards, had frequently imposed fines upon grand and petty juries, in order to punish them for verdicts counter to the views of power: the revolution had destroyed this abuse; Clarendon revived it. Upon several prosecutions of officers charged by the government with some conspiracy or other, -jurors, -under his direction, had been reprimanded or fined for verdicts of acquittal pronounced according to their conscience and their oath, and the institution was now fettered.

Clarendon met the impeachment with a long memorial;



an altogether ill-judged composition, in that its aim more especially was to convict each of the other parties of error; the parliament accordingly denounced the production as libellous, and adjudged Clarendon to exile, a sentence to which he submitted in silence. The opinion universally prevalent that he carried with him into banishment an enormous amount of wealth, created against him throughout the nation a hatred which was never extinguished. His friend, the lord treasurer Southampton, had died three months before this. In the last privy council which his declining health enabled him to attend, Southampton, finding himself called upon to defend the absent Clarendon from the attacks of his colleagues, said: "My lord Clarendon is a good protestant, and a good churchman; so long as he remains in authority, so long will our laws, our liberties, and our religion be free from danger; if he be removed, I tremble for the consequences."

In the opinion of his brother princes, Charles committed a great error in borrowing the aid of the house of commons against Clarendon; he thus invested the house with that power of impeaching ministers which deprived his successor of the restoration, and occasioned future ministers, ever exposed to the jurisdiction of parliament, to seek the concurrence of that assembly, even by sacrificing to it the interests of the crown.

## CHAPTER III.

## MINISTRY OF THE CABAL.

(-1668-1674-)

Transition from the system of Clarendon to that of the libertines—Spirit of the Cabal ministry, and of the parliamentary opposition—Secret alliance between the Cabal and the court of France—Plans of the Cabal for the establishment of absolute power and of popery—War with Holland—Views of the Cabal in declaring this war—Charles II. pensioned by Louis XIV.—The two houses of parliament insulted—Progress of the opposition—The presbyterians and the church-of-England men come to an understanding—Revolution in Holland—The plans of the Cabal frustrated—The king compelled to recur to parliament—Struggle between the opposition and the Cabal on the subject of the Anglican test—The parliament carry the test—Defections from the Cabal ministry—Its fall.

1668- It was in the eighth year of the reign of Charles II. that the Anglican ministry fell. It had fulfilled all that its principles permitted it to undertake in promotion of the counter-revolution; now that this revolution required the overthrow of the Anglican worship and the suppression of the parliamentary opposition, it found itself under the necessity of transferring its destinies to fresh hands. The catholic party having as yet but a precarious and unavowed existence, it was only men of reckless ambition, and alike indifferent to all sects and all parties, who would consent to become instrumental to the iniquitous object in view. Such men readily presented themselves in the libertine throng who had long since collected around the king, and whom the public denounced as the instigators of all his misconduct; for when a nation has thrown the shield of inviolability over the person of its monarch, its only resource, when he misgoverns them or himself, is to allege that he is misled by others.

The accession to power of Charles's pernicious favourites did not immediately follow the disgrace of Clarendon. A transition state was produced by the appointment of a sort of mixed ministry, retaining the duke of Ormond in office; and which the secretary of state, Trevor, and sir Orlando Bridgman, nominated chancellor, rendered acceptable to the people by their skill and integrity of purpose. But their administration was too brief and too powerless to arrest the progress of the struggle now commenced. The king and the parliament had scarcely concurred in that mutual pledge of agreement, the sacrifice of Clarendon, when the old dispute about the nonconformists was resumed, on the occasion of a proposition which seemed calculated to remove this deplorable subject of debate. Lord chancellor Bridgman had undertaken, in this laudable design, to lay before parliament, under the title of the Comprehension Bill, a project for securing to the presbyterians certain concessions which would enable them to re-enter the bosom of the Anglican church, and to the other nonconformists the free exercise of their worship. The house of commons, looking upon this as a new decree in favour of the papists, gave it a very cold reception; the more zealous of the opposition, indeed, unequivocally declared that the real aim of the bill was not to conciliate or to improve the position of the presbyterian nonconformists, but to destroy the supremacy of the Anglican church, and to raise the papist heresy in its place. The house, influenced by these views, and disregarding the protestations of good faith which the king condescended to offer, passed a resolution that for the future no member should desire to renew any such proposition.

The court found itself equally mistaken in the expedient it devised for procuring fresh subsidies; for, in transferring to Clarendon the onus of all the past disorders, it had not relieved itself from its daily augmenting embarrassments. This expedient, which consisted in keeping the nation under perpetual apprehension of war, and in impressing upon it the consequent necessity of providing the government with funds for the maintenance and extension of the fleet, had just been aided, though with views thoroughly honest and patriotic, by sir William Temple, the English resident at Brussels, and negotiator of the treaty known as



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*The Triple Alliance.* This treaty, which saved Spanish Flanders from the young and victorious Louis XIV., by interposing the combined and formidable mediation of Holland, Sweden, and England, was very acceptable to the English nation, as restoring to it somewhat of that lustre which it had lost by the peace of Breda of the preceding year, and the court calculated upon making its advantage of the popular satisfaction in the shape of subsidies. Accordingly, its renewed demands for money, ushered in by a pompous exposition of the advantages of the treaty, were based upon the necessity of taking care that the mediation of England should be respected. The house of commons, however, who became less and less compliant as the opposition ranks grew stronger, interposed difficulties, the discussion of which occupied two whole sessions. They said, that before they granted funds for new armaments, it was desirable that they should have full information as to the expenditure of the sums which had been voted for the maintenance of the last war. The king, without directly condemning this new pretension, replied through his ministers, that it was at all events immediately essential to provide for the wants of the fleet, and that the house might, if it pleased, appoint commissioners to raise taxes in its name, and to regulate their various application. This concession appeared an admission of that which the king might have been expected to deny, even against evidence, and the house forthwith nominated a committee to examine the financial accounts of the war with Holland.

The investigation pursued by this committee was so searching, and consequently so offensive to the court, that the king felt himself impelled to oppose the authority of his royal word to a multitude of revelations which tended to involve him in discredit. At the opening of the second of the two sessions, rendered memorable by this inquiry, he had the audacity to affirm "that he had himself procured an exact account of the expenditure of the various sums, and was satisfied that no portion of them whatever had been diverted to irregular purposes; that, on the contrary, he had, in addition to these subsidies, employed a large proportion of his own ordinary revenue in the war, and contracted, further, a very heavy debt upon his own credit for the same purpose." This monstrous falsehood, from its very hardihood, discon-

certed many of those who had been determined to prosecute the inquiry; the court also managed, in the course of the session, to *detach*,—that is to say,—to corrupt some members who, in this research, were moved rather by the animosity of party spirit than by the zeal of patriotism. Finally, it appeared the majority, by suddenly relaxing in its affection for the nonconformists, and consenting to laws more rigorous than ever against secret assemblies. By these various means it obtained further supplies of money,—and stopped further inquiry. Yet still, despite these manœuvres, despite all explanations that were made,—despite the shameful complication introduced into the accounts, it was ascertained that there were 800,000*l.*, an enormous sum for the time,—the employment of which,—now made known to the nation,—it was impossible to justify. Yet, with this stamp of infamy upon it, royalty contrived still to exist for a long period, because of that contradiction which, in monarchies thus constituted, at once permits the examination of the acts of sovereignty,—and creates for sovereignty august crimes which no law can reach. (*i.e. you can always protest against them.*)

Charles II., deeply irritated by the discredit which this affair threw upon him, rejected no course, however extreme or dishonourable,—that seemed to him calculated to relieve him from the annoying censorship of parliament; a deplorable resource, but the inevitable result of the want of foresight exhibited in the restoration, and the system of corruption already bound up in so fatal a manner with the errors of this first period. Had he shown any repugnance to dissimulation, had he made any honourable effort to struggle against the difficulties of his position,—men would only have pitied him; but his domestic life itself was given up to a multitude of intrigues which further complicated his embarrassments as king. The favourites who, in order to secure impunity for their disorders, conspired in common for the subjection of the nation, shared among themselves the work of these underhand practices, that continually brought into contact their ambition or their avidity, which Charles II. made fruitless attempts to gratify. Some, in order to please him,—laboured to destroy the influence of the duke of York, others to create for the duke of Monmouth, his natural son,—a future greatness denied to his birth; these to furnish him with some device for  
(—*thru Sept 21 only: 1649.*)



separating from a barren consort; those to effect, without public scandal, his ruptures with the mistresses of whom he was tired, or to involve other families in the dishonour of a new choice.

In the course of the inquiry concerning the Dutch war, and although the duke of Ormond and the chancellor Bridgman were not (as yet) officially displaced, all the functions of the government passed into the hands of five of the principal favourites. Ashley Cooper, created earl of Shaftesbury, Arlington, Buckingham, Lauderdale, took possession of the various offices even before they were invested with their titles: Lord Clifford, the only one among them whom we have not yet had occasion to notice, was joined with them, through the influence of the duke of York, and received the treasury. Clifford, secretly a catholic, was generally more esteemed than his colleagues, but led by his religious sentiments and a violent and domineering character to desire the ruin of national liberties, he was not by any means displaced among them. It happened that the word *cabal*, formed by the initial letters of the names of the five new ministers, closely characterized this alliance of turbulent men, and of ambitions so various in their nature; and the designation, *The Cabal Ministry*, which was given to it by the people, has remained in history to recal, in the counter-revolutionary government of the Stuarts, an epoch abounding in public crimes.

At the period when this ministry was formed, the foreign policy of England was still regulated by the principles of the treaty of triple alliance directed against the aggrandizement of France. Yet at this very period Louis XIV. acquired a decided influence in the counsels of Charles II. The duke of York, in his Memoirs, drawn up with an inflexibility of prejudice, and a want of judgment which supply in them the place of good faith, relates, with perfect candour, and as if nothing could have been more honourable, the secret transactions which secured this influence, and obliged Charles, transcending even the system which the new ministers ventured to avow, to take occult (and still more dishonourable) steps.

In the year 1669, the duke of York, tired of externally practising the religion of the church of England, had sent for



a jesuit of high reputation, father Simons, and had inquired of him the means of becoming reconciled with the church of Rome. The jesuit having declared that he could only do so by renouncing the communion of the church of England, he had resolved to quit a state at once, as he said, so perilous and so painful. He had consequently written to the pope; and the answer of his holiness having confirmed him in his views, he determined to sound those of the king, and had made overtures to him by lord Clifford.

As may be seen by the date of the conversion of the duke of York, the king, at the moment when these overtures were made to him, was in the height of the embarrassments occasioned by the inquiries of the committee of accounts. He seemed himself greatly inclined towards popery, and, according to the duke's statement, expressed a desire to confer secretly with him upon the subject. The conference took place; Clifford, Arlington, and lord Arundel of Wardour were summoned to it. When they were assembled, the king complained of the church of England; said that he was determined to favour throughout the realm the progress of the Roman-catholic religion; that he believed in that religion; that he suffered much affliction from the restraint which prevented his publicly professing it; and that he had assembled them to obtain their advice as to the best time for declaring his belief. He added, that he expected to encounter great and numerous difficulties, and that he wished to expedite matters while he and his brother were still young, and had the strength necessary for accomplishing so vast a design. "He said this," says the duke of York, "with much earnestness, even with tears in his eyes."

The result of the conference was, that the best mode of bringing the enterprise to a successful issue would be to labour at it in concert with the king of France. His ambassador in London was taken into the secret, while lord Arundel was sent to Paris to negotiate a treaty, which was concluded in the beginning of 1670. By this treaty—still following the duke of York's account—the king of France engaged to contribute 200,000*l.* per annum towards the establishment of the catholic religion in England; and this religion once established, England and France were to unite in a war against the Dutch republic. The partition of this republic between

the allied powers was arranged beforehand. But, first of all, it was necessary to set up the catholic religion in England—a very easy task, according to the duke of York; and were it not inconsistent with the gravity of history,—we might cite here some of the infallible means which he boasts of having counselled, and which he regrets were not adopted.

Charles received the first quarter of his pension,—and then, with his confidants, proceeded, in profound secrecy, to provide the more important fortresses of the kingdom with commanders upon whom they could rely; and various movements of troops were made, for which the conditions of the triple alliance served as a pretext. The navy was devoted to the duke of York,—or, at all events, placed under his influence as high-admiral. The few troops then on foot were well disposed; the officers,—as in all standing armies,—were men ready to serve the crown, without asking any reasons for the orders given to them. And this was nearly all that could be reckoned upon to promote the project of the religious revolution. The hopes founded by the court upon the supposed fact that a large proportion of those who called themselves members of the church of England cared no more for one religion than for another,—were equally absurd with those which rested on the general effect of the persecutions of the nonconformists. Those who, in defence of liberty, had attached themselves to the English church, too thoroughly appreciated the importance of that post to be indifferent as to its preservation; and with regard to the sectaries who braved the laws of the church, they only hated episcopacy as an off-shoot of popery. This policy, therefore, which the duke of York avows in his *Memoirs* with such a ridiculous assumption of high ability, was as feeble as it was nefarious. “The rigorous partisans of the church of England,” says he, “were permitted to persecute the nonconformists at their discretion. They were even encouraged in this,—the better to make the latter appreciate the relief they would derive from the triumph of the catholics.”

In the terms of the first convention between Louis XIV. and Charles, war was not to be declared against the Dutch republic until after the overthrow of the church of England. Charles, having soon dissipated the money given by France in aid of this latter enterprise, felt very much disposed to



acknowledge the difficulties which it presented, and to meet the wishes of his ally, who desired, in the first place, to make war upon the United Provinces. Arlington and Clifford concurred in this view; the duke of York alone remained faithful to the project of first of all converting England. From this moment he kept himself apart, considering his brother as the dupe of the instigations of Shaftesbury and of Buckingham, who, not having been admitted into the secret, but partly divining it, had been agitating to secure a share in the negotiations with France, in order to direct them according to their own views. Charles, decided upon postponing the establishment of catholicism, and being thus in a position to avow to these two men the project of the war against Holland, did not think it advisable to deprive himself of their talents in the mysterious preparations which remained to be made. The alliance was agreed upon, but not arranged in its details. The duchess of Orleans, sister of Charles II., regarded, even at this brilliant period of the fortunes of Louis XIV., as the most distinguished woman of his court, came to England under the pretext of seeing her brother, by whom she was tenderly beloved, but charged by the king of France with instructions relative to the war. Aided by Buckingham, the duchess brought over the whole of Charles's council to the views of Louis XIV. A few months after her return to France she died by poison, the treaty not being yet definitively concluded. This death, which was attributed to the jealous suspicions of the duke her husband, furnished a means of continuing the negotiation. The marshal de Bellefonds came from France to offer condolence to the king of England. The duke of Buckingham was sent to Paris under the pretext of reciprocating the condolence, but in reality to conclude the treaty; and it was forthwith arranged that the two kings should each furnish a certain number of vessels; that 1,500,000 French livres should be paid over to Charles, so that he might prepare his armaments without having recourse to his parliament; and that, in the spring of 1672, the allies should open the campaign.

Although Charles might seem impelled to the immediate undertaking of this war by the ascendancy of Louis, the war in reality concerned his interests far more than those of the French monarch. It was required by the disquietude of the



absolutest libertines, who were now conducting the counter-revolution, as the war of 1664 had been demanded by the passions of the Anglican party. The latter had armed against Holland to prevent it from giving an asylum and assistance to the presbyterians. Royalty had now to fear lest this same Anglican party, menaced in its turn, should seek the support of a republic, now become the common focus of all the protestant sects, for such was the part played by Holland at this period. It had attained this high degree of importance by a series of events so closely connected with those which, in England, had overthrown and then again raised up monarchy, that it is impossible to arrive at their final consequences, without recalling them, at least in a summary manner.

The reader is supposed to be acquainted with the principal circumstances of the memorable struggle which, in the latter half of the sixteenth century, emancipated the Netherlands from papal tyranny and from the odious yoke of Philip II. The results of this political and religious revolution having been consolidated by the union of the Spanish provinces into a nation, and their organization into a republic, under the name of the United Provinces, an ancient form of magistracy, the stadtholdership, had been invested, under the superintendence of an assembly composed of provincial deputies, with the most important attributes of the executive power. Under the princes of the house of Orange, successively elected by the states, this magistracy had become menacing to the liberty of the Dutch; and William II., who filled it at the time when England was governed by Cromwell, having sought to render it hereditary in his family, the states at his death had excluded the house of Orange from the stadtholdership, and subsequently had abolished the office altogether. The struggle between the ambitious pretensions of the princes of Orange and the spirit of liberty which animated the Dutch nation, had been very energetic, and at times very sanguinary; throughout its duration, there had been an alliance of interests between the Dutch republican party and the revolutionary party in England, and between the dethroned Stuarts and the house of Orange, excluded from the stadtholdership, now represented by a young son of William II., maternal grandson of Charles I. The mother

and grandmother of this child had contributed to the restoration of Charles II., by lending him considerable sums wherewith to operate against the English republicans; and Charles, since his restoration, as well as the inextricable embarrassments of his position would admit, had assisted his nephew against the party which governed Holland, at the head of which was placed, under the title of grand pensionary, John de Witt, a former minister of William II. John de Witt, whose noble life will ever give the lie to the sophists who represent virtue as incompatible with a genius for conducting public affairs, had not been able to destroy the ancient popularity of the house of Orange, by surpassing, with his immense services and his great actions, all the remarkable men it had ever produced. The commercial prosperity of Holland, the vigorous and patriotic administration which had given it such tranquillity at home, and such power abroad, the triumph of the first war against Charles II., the glorious peace of Breda, the triple alliance, were all his work. John de Witt, forcibly impressed with the fear that the return of the stadtholdership would destroy the liberty of his country, and witnessing as he did what royalty was doing in England under the Cabal ministry, originated, in order to maintain the republican system, measures, which unhappily too nearly resembled persecution, against the Orange party, and thus interested the nation in a young prince who presented himself with every promise of brilliant qualities. John de Witt, aware that the king of England was intriguing against him in favour of his nephew, was, on his part, endeavouring, by his connexions with the chiefs of the parliamentary opposition, to involve the king in still greater embarrassments. Thus, desirous as he was at once of reinstating in power the family of an ancient ally, and of himself benefiting by the elevation of his nephew, of depriving parliament of a powerful auxiliary, and the nation of the example of a happy and powerful republic, Charles was even more interested than Louis XIV., a monarch without dispute, in the overthrow of John de Witt, and, if it were possible, in the dismemberment of the Dutch union.

The conditions of the enterprise were not arranged between the two kings until the commencement of 1671, though the negotiations had been on foot ever since the end of 1669, the



epoch of the first steps which were taken in the matter by the duke of York. While this plot was being woven against the liberty of Holland, and, as an inevitable consequence, against that of England, the ostensible conduct of the Cabal ministry was destined to deceive parliament and the nation. The secret but confused designs, the hesitating ambition of royalty during the ten preceding years, had resolved themselves into a formidable system of deception, from which, however, the veil was ever and anon torn by the weaknesses and passions of Charles II.

There is no doubt but that, in professing, in his famous interview with the duke of York, to be seized with so ardent a zeal for catholicism, and in protesting, with tears, his attachment to that religion, Charles stooped to the most despicable dissimulation. No return to religious sentiments had then been manifested by his conduct. Vice reigned in his court boldly and unblushingly than ever; his debaucheries were more public, were notorious, and at times exposed him, when prosecuting them under some ignoble disguise, to the insults of the lowest populace. He took still less care to conceal his scandalous immoralities, when he thought himself secure of the assistance of Louis XIV., and for the most part, cast off the restraints which he had at first imposed upon himself in order not absolutely to outrage the religious and political attachments of the nation. The regular assembling of parliament was exceedingly annoying to him, but he could not dispense with it; so exorbitant were the incessant exactions of his mistresses. He retained it, therefore, and sought only to corrupt it; a business in which Clifford, the treasurer, employed himself with considerable success, especially in the lower house. Many of the members sold their votes upon all the most important debates. They had formed a code of morality according to their wants, and manœuvred between the court party and that of the nation, upon certain fixed principles which they did not hesitate to avow. They did not grant too much money to the king at a time, so that, as they said, he might the oftener have need of them; they, however, took care to give him enough wherewith to pay their pensions. When their constituents complained of them, they answered that it was necessary to conciliate the king in order to attach him to national independence and the Anglican religion, and re-



markably enough, so fully were they impressed with the necessity of going along with the public opinion on this latter point, that, in reference to it, the court could absolutely do nothing with them. The very men who sold their votes to carry grants of money or arbitrary measures, refused them upon all propositions favourable to the papists.

When already far advanced in the negotiations with France, Charles demanded subsidies of parliament. His ministers urged the powerful increase of the French navy, now three times more numerous than before the last war, and the necessity of fitting out a fleet of sixty sail to maintain the engagements of the triple alliance. The house of commons, led away by its attachment to the diplomatic productions of sir William Temple, exhibited such liberality on the occasion, that the upper house, on the solicitation of the merchants of London, thought it necessary to protest against this extreme docility, and to oppose the imposition of the new taxes; and they were ultimately abandoned. The resistance, contrary to custom, proceeding this time from the upper house, the king resolved to be present in future at the debates in that house, and soon made its sittings a favourite pastime; finding more amusement, he said, in the excitement of their discussions than in a stage farce. Hitherto, kings had only appeared at the sittings, seated on their throne, and this merely at the opening of the sessions, or on important occasions. Charles, under the pretence of not throwing any restraint upon their lordships by such an observance of his dignity, used to take his seat by the side of the fire, and collecting around him the members of his party, laugh, and talk noisily with them, which soon threw the house into confusion. As his conversation was not without a charm, and as, even when he questioned men with authority, there was an easy and winning good-nature about his manner, he made use of this advantage to gain over the opposition members. He saw at once what he could do with a man, and pronounced with very little hesitation and with tolerable certainty,—That's a stiff, crabbed fellow; I shall make nothing of him; or, This man has no conscience; I will give him one after my own pattern.

Still, the reserve inspired by his presence, and by the fear of the raillery of the courtiers, was not such as entirely to reduce the opposition members to silence. Many, on the

contrary, infused more bitterness into their complaints against his ministers, and repeated certain truths with regard to his government all the more frequently, that he might have the annoyance of hearing them. It was, in fact, impossible but that, in seeking to turn into ridicule the parliamentary forms which circumscribed the opposition members, Charles would provoke a marked resentment, and expose his person to attacks which had never before been ventured upon, and which it was as dangerous to endure as to punish. This tendency was manifested in the house of commons at the commencement of 1671. The opposition having proposed to lay a tax upon theatres, the court party objected, that the actors being in the service of the king and serving his pleasures, could not be taxed. A member, -sir John Coventry, -asked whether it was the actors or the actresses who served the pleasures of the king? and as Charles had at the time two actresses among his mistresses, -the daring pleasantry of Coventry was received with shouts of laughter. The jest excited the greatest indignation at court. The duke of York, not sorry for the lesson thus given to his brother, urged that no notice should be taken of the affront; but Charles resolved to revenge himself in such a manner, that Coventry should never forget it. Some soldiers, posted by the duke of Monmouth near Coventry's residence, were ordered to seize him, and to inflict an infamous mutilation upon him; sir John, attacked at night by these ruffians, drew, and intrepidly defended himself; but after wounding several of them, -he was overcome by numbers, -and the soldiers slit his nose to the bone. This disgraceful treatment, justly denounced as murderous by the house of commons, produced a most menacing excitement among the people. Coventry was spoken of as a martyr; the progress of his recovery was watched, day by day, and the scar which remained on his face was afterwards a mark of honour. The house brought in a bill, which made mutilation a capital crime, condemned the assailants of Coventry to transportation, and expressly stipulated that the king should not in their case be permitted to exercise his prerogative of pardon.

Some time after this, a ruffian, -named Blood, -hired by Buckingham to assassinate the old duke of Ormond, having



failed to effect his purpose, was tried, and being condemned, received the king's pardon. The unaccountable protection granted by Charles to this man, who afterwards appeared at court, decorated with orders, in receipt of a pension, and in high credit, was interpreted in the most unfavourable manner, and gave rise, in the presence of the whole court, to a scene very offensive to Charles. The son of the old duke, (the earl of Ossory,) soon afterwards, seeing the duke of Buckingham standing by the king, could not contain himself, and addressed him thus: "My lord of Buckingham, I know well that you are at the bottom of this late attempt of Blood's upon my father; and therefore I give you fair warning, that if my father comes to a violent end by sword or pistol; if he dies by the hand of a ruffian, or by the more secret way of poison, I shall not be at a loss to know the first author of it; I shall consider you as the assassin; I shall treat you as such; and wherever I meet you I shall pistol you, though you should stand behind the king's chair. And I tell it you now in his majesty's presence, that you may be sure I shall keep my word." No one spoke a word; Buckingham and the king himself kept silence. It was impossible to brave either of them more daringly.

I only call the attention to these circumstances, as exhibiting to what a degree Charles contemned public opinion. The duke of York, who had more respect for it, without, however, acknowledging it as a judge of his conduct, drew upon himself, by an ill-judged manifestation of his zeal for catholicism, the explosion of a discontent which was at liberty to give itself free vent against this hostile sect. His wife abjuring, on her death-bed, the doctrines of the church of England, and receiving the sacraments of the Romish church, he regarded her death and its circumstances as a warning from Heaven, and, thinking he could not any further delay publicly to announce his own conversion, he declared himself a catholic. Although it had long been known that he had an inclination for this religion, the step he now took created an outcry, as though it were necessarily connected with a formidable conspiracy against the church of England. And such a danger did exist, at all events in the intentions of the king, of his brother, and of some of the ministers; the nation doubtless exaggerated it, precisely because it was hidden; but these



terrors of popery, which accused the duke of York with such vehemence, had a foundation; and therefore, since the suspected conspiracy was real and continuous, it was fortunate for England that the political resistance was supported by an impassioned and energetic sentiment, capable of being misled for awhile, but incapable of being laid asleep.

The acts which might seem to belong more especially to the ministry, fully concurred with those which emanated from the peculiar character of the two princes, in ranging justice and reason on the side of resistance. As the year 1672, appointed for the commencement of hostilities against Holland, approached, the government felt that it needed a somewhat extended prorogation of parliament, in order not to be impeded by it in preparations which the pretext of the triple alliance could not entirely cover. It was therefore no longer convoked. The ministry employed the interim in essaying arbitrary measures, and made rapid progress in this direction. In the first place, a financial conception, worthy the genius of Shaftesbury, procured for the king that money which the prorogation of parliament would that year deprive him of. It consisted in closing the exchequer; that is to say, in refusing to repay the bankers the sums they had, as usual, advanced to the treasury, in anticipation of the parliamentary subsidies. The bankruptcy of the treasury obliged the bankers themselves to fail in their engagements, and produced a long cessation of business. The Navigation Act, established by Cromwell for the benefit of English commerce, was suspended, and the king's mere will given as the reason for this proceeding; martial law, which had ceased to remain in force under Charles I., was re-established; the government took into its own hands the monopoly of certain articles of commerce; all these strokes of authority followed closely upon one another within a few months. Some of them, unimportant in themselves, were intended rather to establish the principle of absolute sovereignty, than to produce any immediate advantages of consequence. The king, at length, went so far as to suspend, of his own personal authority, all the penal laws against the papists and nonconformists. The former were henceforward permitted to practise their worship in their own houses; the latter might hold open meetings, after having

provided themselves with letters of licence. The ministry undertook to prove that this measure was popular, and for that purpose caused money to be given to some of the presbyterians, who signed addresses of thanks, disavowed by the large mass of the nonconformists. At the same time, the members of the church of England protested with the most daring energy; their ministers declaimed from the pulpits against the imminent invasion of popery. Orders were given them by the bishops to instruct the people in all the points of religious controversy which separated the English from the Romish church. The duke of York was personally referred to in several sermons. The king wished to silence the pulpits, which were again becoming political tribunes, but it was represented to him that it would but little become him to persecute the defenders of a creed which he himself professed; but still, tyrannical laws being necessary to sustain arbitrary measures, he published a proclamation, menacing with the most rigorous penalties those who should speak disrespectfully of his acts, or who, hearing others speak disrespectfully of them, should not immediately give information thereof to the magistrates.

Meanwhile, the ministers sought, by provoking Holland, to force it to remonstrances which might give grounds for a rupture; but that country being prepared to make great sacrifices in order to maintain the triple alliance, these provocations failed in their aim. The government of Charles II., reduced to violate the law of nations in order to obtain war, no longer hesitated. A fleet of merchantmen returning richly laden from Smyrna, was attacked in the Downs by an English <sup>i.e.</sup> Dutch squadron, much more numerous than that which formed the Dutch escort. The merchantmen escaped without any material loss, and Charles, who had reckoned upon deriving a large sum of money from the anticipated capture, obtained by the outrage only the melancholy advantage of being able to keep the promise he had made to Louis XIV. His declaration of war against Holland, issued in March, 1672, in order to make the war a national one, set forth all sorts of imaginary grievances. That of Louis XIV. was far more ingenuous. The insolent monarch simply proposed to show the Dutch republic that he disliked it, and that his glory required him to make war upon it. *(he was a Frenchman, you see.)*



The forces displayed at the same time, on land and sea, by Louis and Charles, were answerable to the degree of importance which the two allies attached to the destruction of the Dutch republic; the one for the promotion of his plans of aggrandizement, the other for the accomplishment of his projects of absolute domination. It has been intimated, in speaking of the formation of this league between the two kings, which, in the outset, was kept wholly secret, that Charles and Louis proposed to assign to the young prince of Orange, after overthrowing the Dutch republic, but a small portion of the territory which it then embraced; the remainder they were to divide between them. Charles hoped that within a year the war would be terminated; and that then, the acquisition of a part of Holland would re-establish his finances, and thus enable him to govern without the concurrence of parliament, and to promote a religion in accordance with his views. He was on the point of seeing a portion of his hopes realized. The duke of York was not very successful at sea against Ruyter; but Louis, marching in the train of a formidable army, commanded by Turenne and the prince de Condé, obtained such marked triumphs, that the States, very soon after the commencement of the campaign, found themselves compelled to solicit peace. Although the pensionary, John de Witt, had done, in this dangerous crisis, all that man could do, popular discontent attributed to him the misfortunes of a war, which he had, it was said, provoked by the pertinacious exhibition of his ultra-republican principles. In spite of all he could urge to the contrary, the prince of Orange, then twenty-two years of age, was placed at the head of an army, and at a time when every one despaired of the salvation of the country, made himself conspicuous, from the first, by that most valuable of military qualities, the calm vigour of mind which the experience of danger does not always bring with it. Nothing more was needed to recal to the nation all the merits of a family which had so long been dear to it, and to give triumph to the Orange party. De Witt, who was represented as having too deeply incurred the hostility of the two kings not to be a lasting obstacle to peace, became, in a few months, an object of hatred to the more timid of the people; and unhappily, instead of that consideration which it is, perhaps, necessary to show towards errors



inseparable from human frailty, he gave way to a profound sentiment of scorn for his fellow citizens, and thenceforth separated their cause from his own.

John de Witt had a brother who had long shared public favour with him, and, like him, had merited it by great services, rare talents, and noble virtues. Cornelius de Witt was accused by some miscreant of having attempted to procure the assassination of the prince of Orange. He was put to the torture to make him confess a plot which did not exist. Amidst his horrible agony, Cornelius repeated some stanzas from the ode of *Fortem ac tenacem propositi virum*, &c., which well illustrated his firmness of soul. His judges, unable to condemn him, contented themselves with banishing him. John de Witt, who, meantime, had resigned his office of pensionary, having come to his brother in prison to accompany him into exile, both were attacked by a furious populace, at the head of whom were some Orange chiefs. To say that they were massacred, that their bodies were cut in pieces, is to confess that patriotism would be a poor virtue were it only to be appreciated by the multitude, such as ignorance and superstition have made that multitude.

The death of these two great men was followed in Holland by a violent re-action against the republican party. The nation went so far in the abandonment of the principles to which it had owed its splendour, that for the prince of Orange to have attained the sovereignty, there was wanting but his consent to the advances made to him. But naturally cautious, he mistrusted the popular ebullitions so favourable to him, and contented himself with the stadtholdership. While an entire revolution was being effected in the government, while all the magistracies were being changed in the provinces not in the occupation of Louis XIV., ambassadors from the States solicited peace in France and in England at the same time, and the prince of Orange had full power to accept or to reject the conditions offered. It was fortunate for Holland that William was not a man to sacrifice national interests to those which Charles and Louis endeavoured to impress upon him as common to him with all crowned heads. The two victorious kings endeavoured to associate him in the dismemberment of Holland. They offered him the absolute sovereignty over

some of the provinces as a compensation for the loss of the rest. Buckingham, who was sent to him, had hoped to inspire him with a taste for the principles of his master, and to induce him to trust the generosity of Louis, and the warm friendship, of the king his uncle. But all the resources of his mind were ineffectual against the reserve of a young man, already versed in dissimulation, who, while appearing to hesitate, gained valuable time, and employed it with incredible activity in strengthening the administration, and in restoring discipline to an army which the fall of de Witt had disorganized. Buckingham, perceiving at length that he was being tricked, resolved to bring the matter to an end, and in a last interview attempted to impose his conditions by violence of language and demeanour; but the prince cut him short, by declaring that his country had confided its fate to him, and that he would not betray it for mere personal considerations. "Your country," exclaimed Buckingham, "is at the mercy of my master, and of the king of France: 'tis hopeless to think of saving it," and he repeated several times, in a tone of affected compassion: "Prince, do you not yourself perceive that Holland is lost?" "I see," replied William, "that it is in great danger; but as to my seeing that it is lost, there is an effectual means to prevent this, which is to die in the last dyke." *(William had not enough to see, that, had it been really lost, they wouldn't have fought to my life)*

After this energetic declaration, the prince had no alternative but to excite in the nation the same sentiment which the nation had aroused in him. He convoked an extraordinary assembly, and opened it by himself explaining in detail the state of affairs. He described the views of the allies, and to prove that they were not in a position to enforce them, he exhibited England distracted by the internal struggle between the king and the parliament, and France exciting against herself the enmity of all Europe, and, within her territories, ground down by despotism and ruined by reckless expenditure. Then comparing the resources of Holland with the force which its enemies might bring into the field, he promised, if all would support him, very shortly to infuse more caution into an enemy who proportioned his demands to the opinion which he had formed of the depression of his contemplated victim. The entire assembly, says an historian, were, for a while, in mute astonishment at hearing so young a man speak



of all these things with so much knowledge and judgment: presently there was but one cry, to defend themselves to the last extremity, and if the result were against them, to transport themselves to the West Indies with all the wealth they could carry with them.

All hope of forcing a disastrous peace upon Holland was therefore lost to Charles; and as there was already gathering in Germany against France the storm announced, and perhaps raised by William, he now saw only in the distance those brilliant chances which he had thought to realize in a single campaign, and upon which he had so imprudently built up his plan of despotism. He would then have fain brought back matters between himself and the nation to the point from which he had separated himself, by the whole space so rapidly traversed by the Cabal ministry. But his projects were now known to all England. His religion was suspected; that of his brother declared. The many arbitrary acts of the last two years, the contempt heaped upon the national representation, a war undertaken without even plausible motives, and carried on by means which were not avowed; the command of the army given to the count Schomberg, a general from France; the nomination of popish officers to the most important posts; all these things manifested a fixed determination to destroy at once the liberty and the religion of the country.

Meantime, a new convocation of parliament became essential. The war had exhausted all the resources. The Cabal, violating one of the most ancient privileges of the commons, devised the plan, in order to insure a majority in that house, of itself despatching the writs of election in virtue of which new members were to be called to the places vacant since the last session.

Parliament opened in the beginning of 1673; the king, in his speech, rapidly passed in review all that had been done during the eighteen months of prorogation, giving perfectly absurd explanations of some of the acts of which the nation most loudly complained. For instance, as to the irregular issue of the writs, he said, that the object had been to save the house any loss of time; and the reason he alleged for the delay in re-assembling parliament was, that it had been deemed desirable to give the members an opportunity of attending to their private affairs. He expressed himself more frankly



with regard to the ordinances in favour of the papists: he was resolved, he said, to maintain them, and would endure no contradiction upon that point. Shaftesbury, who spoke next, had it in charge to make the best explanations he could of the war. After alleging, which was false, that it was the provocations of Holland which had obliged the king to ally himself with Louis XIV. against her, he added, which was true, that the august allies, knowing their true interests, had resolved to destroy a government hostile to all monarchies; he reminded the commons, that they had themselves called for the first war, and that, consequently, the king had acted in conformity with their probable wishes, he having no reason to suppose them changed in this respect; that it was not merely his war, but theirs also. In conclusion, attempting to make up for bad arguments by affected enthusiasm, he exclaimed, that this new Carthage must be destroyed; that *Delenda est Carthago* must be the maxim of England, unless she desired to see Holland attain the empire of the seas.

The commons, acting upon their old tactics of attacking royalty only on its weak side, its affection for popery, contented themselves with the explanations given by the king and Shaftesbury as to the political conduct of the government during the prorogation. Their extreme moderation, even with regard to the affair of the writs, defeated the diversion which the ministry had endeavoured to effect by it in favour of the toleration edict; and as the king had engaged to support this edict with all the energy of which he was capable, the parliamentary opposition united all its forces to compel him to revoke it. It began the fight by reverting to a petition presented at the close of the last session by the two houses, and in which they had respectfully informed the king that a great number of priests and jesuits frequented the cities of London and Westminster, and the various counties of the kingdom; that their number was constantly augmenting; that they had established societies even in St. James's palace; and that thence they spread themselves in all directions, seeking to seduce the people, and to corrupt youth by inspiring it with papistical principles. Those English or foreign priests, said the signers of the petition, cause catechisms and other heretical books to be sold at the very doors of parliament; the magistrates take no heed to them; papists are

even permitted to enjoy places which they exercise in their own persons, or by deputy; and although there have been many prosecutions instituted against them in the court of exchequer, they have never been dismissed or punished. Now, added many members, since this petition was first presented, the audacity of the papists has increased still more; and what has the king done to arrest the progress of the evil and to calm just alarm? Not only has he not put in force the laws against the nonconformists, but he has adopted them, and has now lately declared, that in this respect he will endure no contradiction: does he, then, suppose that, at his will, he can change the constitution of the state, and despoil parliament of its legislative attributes? Is it not enough that, by his royal prerogative, he may, by pardoning the guilty, neutralize in a great measure the laws which parliament has made, and which the nation considers so essential to its repose? This bold language was maintained in an address voted almost unanimously, and in which the commons signified to the king their firm intention to enforce the laws against the papists, and demanded the abrogation of the edict of toleration. The address was immediately followed up by the introduction of a bill, which declared papists incapable of holding any kind of office, enjoined all public functionaries henceforward to add to the oaths of supremacy and allegiance, a certificate that they had received the communion in an Anglican church, and called upon them publicly to make the following declaration:—"I, A. B., do declare that I do believe there is not any transubstantiation in the sacrament of the Lord's Supper, at or after the consecration thereof, by any person whatsoever."

However frivolous a proposition of this kind may appear in itself, it is obvious how formidable the opposition would render itself, if it succeeded in compelling all the secret enemies which it had in the administration, the magistracy, the navy, and the army, to a public profession of faith upon that dogma, which more strongly than any other marks the separation between popery and the various protestant sects. Accordingly, the adoption or the rejection of the bill was, at this period of the struggle between the counter-revolution and English liberty, an immense question, a question of life or death for both these great interests. The court endeavoured to rally all



the nonconforming protestants against this motion, and at first affected to oppose it only in their behalf; but as the most decided provision in the bill, that which imposed the test, or declaration of principles, with regard to transubstantiation, was evidently not directed against them, this manœuvre did not succeed; so far from it, indeed, the nonconforming protestants themselves denounced the trick. Their conduct on this occasion was very remarkable, and proved, what the court had long refused to acknowledge, that the hatred of popery, common to all protestant sects, had reconciled them amongst each other, ever since the protection given to the jesuits and Romish priests had revealed the sinister projects on foot. One of the members for London, alderman Love, well known for his attachment to presbyterian opinions, was the first who repelled, for himself and for his co-religionists, the hypocritical professions of interest made by the adversaries of the bill. He said that before all things it was essential to combat popery; that the test would openly brand all those who secretly favoured that dangerous heresy; that several provisions of the bill were, indeed, very vexatious to those who, like himself, were of the presbyterian church, but that, pending the attainment of more favourable terms, he declared, in their name, that they would prefer remaining exposed to the severity of the laws of the church of England, than impede them in their operation against the papists. Many members, leaders of other protestant sects, supported the bill by similar arguments, and this extraordinary disinterestedness so affected the church of England members, that they introduced into the bill a clause in favour of nonconforming protestants, and the bill passed the house by a large majority.

There remained but one hope for the partisans of the edict of toleration, that the upper house would reject the measure; though, if a vote to this effect were obtained from the house, force might be required to carry it out, so formidable had the reconciliation brought about in the commons rendered the opposition. But the confusion which a first defeat had already created in the council of Charles, manifested itself in this second experiment. Clifford, who made a personal affair of the success of the edict, undertook to support it in the lords. In a speech drawn up with the assistance of Charles II., he proceeded to such lengths against the lower house, as to speak



of it in insulting terms, and designated its Test Bill as *monstrum horrendum, informe, ingens*. But the astonishment caused by the violence and disorder of his harangue, was succeeded by far greater amazement, when Shaftesbury, rising, and setting aside all oratorical precautions, declared that his opinion of the conduct of the commons differed, *toto cælo*, from that of the lord treasurer; that the fidelity of that house could not be doubted, and that he deferred to its judgment upon the edict of toleration, as to a wise opinion given by good servants, who fulfilled a duty in showing themselves tenacious of the laws and religion of the land. The house could scarcely believe that it was Shaftesbury who delivered this strange speech, he who was well known to be the author of the pernicious system which had been pursued since the fall of Clarendon. The members looked at one another in stupor, as if this new treachery of a man whom they had ever known to anticipate the fall of the parties he had served, revealed the existence of some great danger. They divided amidst an unexampled agitation, and the bill was carried by a very small majority. The minority, composed of the lords most eminent for their talents and fortune, protested against a decision alike surprising with all that had taken place in this sitting. The duke of York, as he left the house, said to the king, "What a knave of a chancellor have you there!" "And you, brother," answered the king, "what a mad fool of a treasurer have you given me!" *(i.e. of one and half a degree of the ...)*

The conduct of Shaftesbury, as this reply would already indicate, had produced upon Charles an impression which was not that of indignation. The moment had at length arrived for supporting injustice by force; and his aversion for extreme measures, an aversion inspired, not by a horror of blood, but from a want of courage, induced him to rely on the sure quick-sightedness of him of his ministers whom he esteemed the least, and whose mental depravity most resembled his own. He gave an altogether ungracious reception to the duke of York, Buckingham, Clifford, Lauderdale, and lord Berkley, who urged him, for the sake of his glory and of his dearest interests, to order the army of Schomberg into London, and to expel the opposition from the two houses. In a council which tumultuously assembled after the sitting of the upper house, he manifested no displeasure either at the auda-

city with which Shaftesbury supported his new part, in the presence of the colleagues whom he had just betrayed, or at the dexterity with which Arlington went over to the opinion of Shaftesbury. He afterwards gave a cordial reception to some members of the lower house who, at the instigation of these two ministers, came to assure him that the speech of Shaftesbury had counteracted, in the public mind, the ill effect produced by Clifford's; that it was generally believed that the former expressed the opinions of the king, and the latter those of the duke of York; that the commons threw upon the obdurate portion of the ministry all the odium of the papist edict, and that if his majesty would take upon himself to revoke it, the house would immediately vote the subsidies necessary for continuing the war. Such was, in fact, the disposition of the commons.

This mode of evasion was exactly suited to a man of Charles's character. He sent for the edict of toleration, broke the seal with his own hand, and intimated to the commons that he consented to the Test Bill. The commons replied to his gracious message by voting a subsidy of 12,000*l.*, and he, on his part, formally assented to the Test Bill, which then became law; after this, the parliament adjourned of its own accord.

The whole benefit of this compromise, made to avert extremities alike dreaded by both parties, accrued to the nation. The Test Act, which came into operation at once, compelled the duke of York to resign the office of lord high admiral, Schomberg to retire from the command of the army, the papist officers to surrender their commissions, and Clifford to quit the treasury. As to the Cabal ministry, having lost in the struggle the toleration bill, the only weapon with which it opposed the commons, it could neither alter its course, nor contend against the general indignation which cried aloud for its dissolution. The failure of a second campaign against Holland having compelled the king to recal the parliament at the close of 1673, the first proposition made in the commons was for the impeachment of the ministers. The opposition vehemently recurred to all the grievances which, in the last session, they had consented to waive for the sake of procuring the passing of the test act; more especially they attacked the principle of the current war against Holland, a war, they



said, at once unjust in itself and ruinous to the country; a war which placed England at the mercy of the king of France, and menaced her internal liberty by affording a pretext for keeping on foot troops and militia illegally raised. The king, to pacify them, announced that he was about to open negotiations with the States, for the purpose of effecting a peace which he himself desired as earnestly as any of his subjects. But the house met this assurance with facts which utterly belied them; among others with the negotiation which they knew had been proceeding, under the auspices of Louis XIV. for the marriage of the duke of York with a popish princess. The king, as to this, intimated that it was too late to oppose the union, since the betrothal had already taken place. The commons broke out more warmly than ever at this communication, and said that it would be perfectly easy to do that which the king described as impossible, since it would suffice for the purpose to declare that the princess would not be admitted into the kingdom. The discussion on the subject became so stormy and menacing, that his majesty prorogued parliament, the commons separating under solemn protest. *(The 1<sup>st</sup> Duchess (Anne Hyde) had died March 31<sup>st</sup> 1674)*

They were recalled two months afterwards, in the beginning of 1674. In the interim, the princess of Modena had arrived, and her marriage with the duke of York been completed. The commons, on the first day of their meeting, demanded a public fast, an unequivocal and gloomy manifestation of their anxiety respecting the fate of the menaced Anglican religion. It became necessary to offer up to them the ministry as a propitiatory sacrifice. Shaftesbury had already made his peace with the popular party, who had received him with the welcome always accorded to deserters whose importance serves as a shield for their tergiversation. Buckingham would willingly, by following his example, have saved himself from impeachment, but the commons required from him a public account of his conduct, and assailed him with humiliating reproaches. Shaken at first by the violence of these attacks, he resumed courage upon the success of several telling epigrams that fell from him in his replies to his adversaries. In the course of this singular system of defence, by means of a figure of speech, the audacity of which became the subject of general remark, he threw upon the shoulders



of the king and his brother the burden of all that he himself was charged with. "Hunting," said he, "is pleasant sport enough, but it won't do to hunt in company with a couple of madmen,—or you may chance get shot between them." The king thoroughly appreciated the bitterness of this allusion, and never saw his old favourite again. Lauderdale had also made overtures to the opposition party,—but was repelled as too much an object of public odium and contempt to be worth conciliating; and both he and Arlington were impeached. When the king saw this fierce determination on the part of the commons, he hastened to complete his negotiations with Holland, and immediately, upon the conclusion of peace, prorogued the parliament,—contriving in this way to retain about him two ministers whom he found still useful—Lauderdale, from his thorough knowledge of the affairs of Scotland,—then in a most confused condition,—and Arlington,—as a man peculiarly qualified for adapting to the secret projects which the king could not make up his mind to relinquish,—the system of government rendered necessary by the public indignation arising from so many ineffectual attempts to carry those projects.

## CHAPTER IV.

## THE PRESBYTERIAN OPPOSITION.

(-1674-1678.)

Policy of Charles II.—Danby's ministry—Plans of the new administration—Arrangements between Charles II. and Louis XIV.—Pretended mediation in favour of Holland—Efforts of the opposition against the papists and against Louis XIV.—Desertions from the court party—Preponderance of the presbyterians in the opposition—Charles II. obliged by parliament to act in favour of Holland—Levy of thirty thousand men—Diplomatic intrigues; foreign war; parliamentary debates before the peace of Nymegen—Popish conspiracy.

THE separate peace concluded with Holland in the beginning of 1674 was one of the necessities imposed upon Charles II. by the defeat which he had experienced in the affair of the test act. This peace consummated the ruin of the counter-revolutionary resources conceived by the Cabal. The firmness and talent of the prince of Orange having so happily seconded the efforts of the parliamentary opposition, all hope of bringing about the establishment of popery and of absolute power in England by the subjection of Holland, was lost to the government of the Stuarts. Charles, as when a battle has been lost and the plans of a campaign made public, was obliged to form another system of warfare against the irreconcilable enemy with whom the restoration had placed him in hostility. In reference to external policy, to follow, in appearance, a course conformable with the interests of England, at the same time keeping up with France relations as to money, counsels, and assistance; with regard to the interior, desisting from the too open protection given to the papists, to conspire more secretly with them; to give some

1672-1674

distinction to the national representation, and until the system of coups-d'état could be safely resumed, to proceed against it by corruption and division; such was the conduct which the existing state of things prescribed to the court. Osborne, earl of Danby, who had distinguished himself in parliament as a court partisan, was raised to office in accordance with these double views, at the head of a ministry in which Lauderdale remained, and of which Arlington for a short time was a member. Osborne did not completely inherit the full confidence which the Cabal had enjoyed. Charles II. employed his brother to arrange his ulterior relations with Louis XIV. Through the medium of the duke, still a determined partisan of the French alliance, and who had long been dissatisfied that its co-operation had not been thoroughly adopted, it was agreed: that Charles should prorogue parliament until the beginning of 1675, and during the prorogation receive 1,500,000 French livres from Louis; that he should then convoke it in order to demand subsidies from it; and, if subsidies were refused, or if the opposition made efforts to change the peace with Holland into a declaration of war against France, Charles should dissolve parliament, and receive a larger pension, regulated according to his wants. In the meantime, Louis consented that Charles should offer to him (and to Holland) a mediation which could be rendered futile, but which would answer the purpose of satisfying the English nation.

In consequence of these arrangements, it was necessary, in order to deceive parliament, to give some éclat to the feigned mediation. Charles selected, as his representative with the plenipotentiaries of the two hostile nations, a man who could not be suspected of lending himself to a fraud injurious to England; this was sir William Temple. Previous to his departure, the king had a conversation with him, full of affected candour, in which he reproached himself, and permitted Temple to address to him reproaches equally severe. He pressed his hand, saying, with a studied pathos, that he would be the father of his people, and dismissed him with instructions whose utter vagueness belied all this display of impossible intentions. Charles had already twice experienced that he might make any attempt with ministers upon whom, in the event of failure, the national indignation would fall, while he, by abandoning them, regained to a certain extent



the confidence (and almost the affection) of his subjects; he communicated to his new ministers such of his arrangements with Louis as were to regulate their administration; then, leaving them to themselves, he returned with delight to the debaucheries from which he had been for awhile diverted by the dangers of the late crisis.

Let us see what the new administration under Danby did. Judging that the defeat of the court party had arisen from the unexpected reconciliation between the presbyterians and the members of the church of England, in order to destroy this alliance, it conceived the idea of forming another between the church of England party and the old cavaliers, who since the restoration had been treated with a neglect amounting to ingratitude.

This party, still advocating unconditional royalty, was secretly intriguing to support the influence of the duke of York, whose principles and interests were its own; it only differed from its chief in that it neither desired nor rejected popery. The first proceeding of the government was warmly to reprehend the conduct of the late ministry; they more especially charged it with depriving the king of many good servants, by leaving the cavaliers to grow old in poverty; and with having given just alarm to the English churchmen by favouring popery, which at best should only be tolerated. To conciliate the cavaliers, they prepared new honours to the memory of Charles I. They drew forth from some cellar an hitherto unheeded statue, and set it up once more at Charing Cross; magnificent obsequies were performed in honour of the deceased prince in all the churches. To ingratiate the churchmen, they prosecuted a number of papists; they undertook the reconstruction of the cathedral of Saint Paul, destroyed in the fire of London. Conferences were arranged between them and some English bishops, in reference to a scheme which was to destroy popery for the benefit of the kingdom and of the English church. In these conferences, it was proposed that all the sanguinary laws against the nonconformists, without distinction of sect, should be again put in force, and that there should be drawn up a political test, to be presented to the two houses, as a complement of the religious test adopted in the last session.

Louis XIV. having faithfully paid the 1,500,000 livres he

had promised, Charles, on his side, had kept his word by allowing parliament to remain prorogued until the spring of 1675; he then summoned it. His opening speech, unfavourable to the papists, flattered the members of the church of England; recalled glorious recollections to the cavaliers; and declared to the nation that on this occasion no subsidies would be demanded. Yet, from the very outset, the commons still showed themselves possessed by their incurable mistrust. The ministers, in proof of their good intentions, put in execution some acts of severity against the papists, but distinct facts showed that the aim was not altered, but only the means better chosen. They said nothing as to what had been produced by that mediation, cried up as a popular measure, and in contempt of which Holland, accompanied in its heroic resistance by the good wishes of all England, remained exposed to the conquering fury of Louis XIV. They did not ask for money, indeed, but this merely suggested that they relied upon discreditable resources, or intended to levy taxes arbitrarily. Accordingly, the commons brought in a bill which declared it to be high treason to levy taxes not sanctioned by the two houses of parliament; a bill which declared vacant all seats in the commons which were occupied by men employed under government; a bill against jesuits and foreign priests; and, lastly, the impeachment of Lauderdale. While these various propositions were under discussion in the lower house, the ministry laid before the upper house the new form of oath resolved upon in their conferences with the bishops of the court party. They required that every member of the two houses should publicly swear: "I, A. B., do solemnly declare, that it is not lawful upon any pretence whatsoever to take up arms against the king. And that I do abhor the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commission. And I do swear that I will not at any time to come endeavour the alteration of the government, either in church or state. So help me God." This declaration was opposed to the religious principles of the presbyterians, and to the feelings of the majority of the opposition. The court, therefore, trusted that these would not take it, and would withdraw from parliament, as the papists had been obliged to quit their offices.

i.e.  
the officials  
do to



Danby, and the bishops of his party, maintained that this test was necessary,—as the only means of distinguishing faithful from disaffected subjects. They said, that the revolution having substituted for sound monarchical doctrines, depraved maxims—which many men still dared to profess and sought to diffuse among the people, and that the clemency shown by the king at the time of the restoration having been received by these incorrigible men as a tacit admission that their revolt against the late king was legitimate, it was now necessary to condemn their horrible principles more energetically; that no one should be compelled to take the new oath,—but that those who would not take it should at the utmost be only entitled to toleration; the ministry, however, contenting itself with merely watching their proceedings, unless these gave some fresh occasion for alarm.

The ministers naturally relied on the success of such arguments in the upper house; for there, more even than in the commons, the opposition had always introduced as a leading condition in its attacks upon popery,—declarations of attachment to monarchical principles; but the question here was no longer merely satisfying power upon matters as futile in themselves as they might be dangerous in their agitation. The progress of things indicated as possible, and that at no distant period, illegal attacks, which would provoke resistance of the same character, and the debates proved that many members of the upper house regarded insurrection as,—in certain cases,—permissible. The disclosures made from the opposition benches by Buckingham and Shaftesbury, had much to do with this avowal of a principle alarming for the court. Shaftesbury,—now become its most formidable adversary,—made it tremble as he met the test, with arguments such as these: “We have seen, in the last twenty years, what the value is of oaths imposed by power; useless when subjects are happy and obey willingly and of their own accord; and still more useless when subjects are oppressed, and too feeble to throw off the yoke. Who can flatter himself, in the circumstances which I will not anticipate, but which truly are quite possible, that he shall be able to keep the nation fettered down by mere moral obligation to the principles of nonresistance? If it chanced, for example, that a king were to desire to convert England into



*N.B. These Ministers he had lately seen*

a French province, or to render her the tributary of a foreign power, or were to call to his aid a French army, in order to establish the authority of the pope here, what oath think you would be sufficient to make us let him have his way?" He continued in this tone to tell all he knew of the projects of the duke of York and of the king; his speech produced the most vivid sensation. The house divided, and the bill was only carried by a majority of two. The ministers were about to lay it before the lower house, when an incident,<sup>1</sup> which Shaftesbury boasted of having given rise to, in the fear that the commons might consent to the test, in order to procure the passing of their own bills, obliged the king to prorogue parliament. The affair arose out of one of those differences between the two houses, which the extreme uncertainty as to their respective attributes had a frequent tendency to originate. Towards the end of 1675, parliament having been again assembled, the dispute was renewed, and the discussion of the various bills proposed by the ministry and by the opposition indefinitely postponed in consequence. The king again prorogued parliament, after having obtained a subsidy, the application of which he allowed to be prescribed to him, and thus passed on to the term of his engagement with Louis XIV. Other engagements followed, still through the mediation of the duke of York. By a new agreement, Charles undertook to continue to divert the attention of England by his feigned mediation, and not to contract any alliance on the continent without the consent of Louis, who was to give him 1,200,000 livres. If parliament, at its next meeting, again demanded the alliance with Holland, Charles was to dissolve it, and to receive a larger sum from France. The articles of this agreement, drawn up by Rouvigny, the French ambassador, were copied in Charles's own hand-writing, there being no one about him to whom he could confide so humiliating a transaction.

*again in 1676*

While Charles was thus, a second time, selling England to France, his ministers were earnestly preparing for the parliamentary contest which was to be resumed in the session announced for the spring of 1677. They employed the sort of truce brought about by the disputes between the two

<sup>1</sup> A question of privilege, in the case of sir John Fagg.

houses, in struggling against the rapidly increasing strength of the opposition; for, in proportion as doubt of the intentions of the king gave place in men's minds to mournful conviction, the number of ministerial votes diminished; during the last fifteen years, death had carried off a great number of them; the occasional elections, almost every one of them, supplied new auxiliaries to the presbyterians, the zealous members of the church of England, to the men of independent fortunes, who had been the first to vote against the court, and to form the nucleus of the opposition. Many members even, who held office under it, refused to support it. Upon nice questions they abstained from appearing, or if forced to attend, voted with the opposition. There is a story of Harvey, the queen's privy purse, who, having one day voted against the ministry, was received with keen reproaches by the king; the next day, on another division, he voted with the court; when the king thanked him, he said, in a tone of deep affliction: "Yesterday, I voted against your majesty, to-day against my conscience." Under the Cabal ministry, Clifford had endeavoured to make up for these successive losses by purchasing votes in the very heart of the opposition, and he had frequently managed to corrupt influential men. Danby had recourse to the same means, only he looked upon this traffic of consciences in a different way; instead of addressing himself to men distinguished by their talents, and who wanted a high price, he aimed at quantity, and assailed ordinary people, who cost much less, and whose votes, after all, according to him, made up the list. But these ministerial recruits, without talent, without influence, were not even numerous. They were so maltreated in every debate that men almost blushed to vote with them. At this period of the Danby ministry, there was but one man of any great mark in the whole court party; this was Seymour, lately one of the most brilliant orators of the opposition. The great knowledge he possessed of the interests and views of all the parties represented in the two houses, rendered him a most important acquisition; he partly directed, in debate, the ministerial phalanx, recently enlarged by a few churchmen and cavaliers whom Danby had brought over to his project of counter-alliance. But at this period the opposition numbered Shaftesbury, Buckingham, ex-ministers; lord Cavendish, a

*(-having turned against the king since their dismissal.)*

1668-1671

the old story  
each case



man of great ambition, -whom disappointment had alienated from the court; Thomas Lee, Vaughan, who had also abandoned it from discontent; and men of a higher character, sir William Coventry, colonel Birch, sir William Waller, lord Russel, Littleton, and Powle, distinguished by various virtues and merits, and whose every word carried with it the authority of talent, patriotism, and tried convictions.

Such was the force and aspect of the two parties in parliament, when they faced each other in the beginning of 1677. The situation of Holland, becoming exhausted by reverses, which the prince of Orange met with indefatigable energy, was now so deplorable, that it was impossible but that the English government should be violently assailed with reference to the inutility of its mediation. The king, in his opening speech, gave no explanation of the matter, and Temple wrote word that his instructions were diametrically opposed to the assigned object of his mission. Hereupon, Coventry, in the name of the public anxiety, made the demand, which Charles, according to his promise to Louis, was to meet by the dissolution of parliament. He said, that to open war made against Holland, contrary to the interests of England, there had succeeded, under the name of mediation, a covert and more cruel war; that English regiments were in the pay of France; that men were publicly raised for France in Scotland, all the while that government made a show of negotiating with a view to oblige that power to lay down arms; that it was time the king should lay aside these futile forms, and take energetic measures to save the United Provinces. The ministers, and at the head of their adherents, Seymour, opposed the taking sir William Coventry's complaints into consideration at all; but they did not prevent the majority in both houses from voting in common an address to the king representing the extreme danger to which the kingdom was exposed by the excessive aggrandizement of France, -and the necessity for protecting Spanish Flanders and its own territories, by alliances which would tranquillize his people. Charles gave an evasive answer. The houses renewed their requisition in a more pressing manner, adding that the king might rely upon their assistance and upon that of all his subjects, to enable him to assume the attitude which befitted the dignity of England. As there was no promise more calculated to touch



him, he listened to this overture, and said that unless 60,000*l.* were secured to him, he could not endanger himself by abandoning, with respect to France, the cautious policy to which he had been reduced by the parsimony of the commons. He added all he could think of to convince parliament that the money voted by it should be applied to no other purpose than that which they should prescribe. The question being brought to this point, it was necessary, either that parliament should grant the 60,000*l.* on the king's word, already so often violated, or that the king, in order to obtain that sum, should first declare an alliance with Holland; and on the one hand, mistrust was so great, and on the other, the resolution to deceive so fixed, that it was impossible to come to an understanding, and parliament was prorogued, the affairs of Holland remaining in the same state as before, and the national discontent being at its height. (*i.e. dead'sick as usual.*)

Charles was thus thrown back amid all his difficulties. Louis XIV. promised him two millions of livres more, if he would continue the secret alliance, and dissolve parliament. But what danger in such a course to a man who cherished repose! Meantime, the alternative was pressing: he must either quell the parliament—and to effect this he had no money, and but a few thousand soldiers—or he must do what parliament desired, break with Louis, and openly take part with Holland. The latter determination could alone, at that juncture, save the restoration. This was urgently represented to him by Danby. The efforts of the minister to revive the principles and influence of the cavalier party had produced but an ineffectual diversion. He saw this; and, accordingly, his views, equally evil in purpose, were now better as to effect. He told the king that, since parliament promised 60,000*l.*, and only asked in return some demonstrations in favour of Holland, he must do as they desired; that with their money troops might be raised as for war with France, and that these troops once levied, the king might dispose of them as he should think fit, and against the opposition itself, if necessary. The king greatly liked the expedient. "But," said he, "how shall we persuade the duke of York to view the matter in this light?" "He will be with us," said the minister, "if he may hope for the command of the fleet or of the army against whomsoever the one or the other has to

combat." The king made no further objection. Danby then wrote to Temple that he had formed a sure plan for serving William; that to this end, it was necessary for the prince, as soon as the campaign of the year was finished, to come in person to England; that Charles was disposed to enter into an alliance with him against Louis XIV.; and that this alliance, if the prince at all desired it, might be cemented by his marriage with the princess Mary, daughter of the duke of York. *1677-1678*

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William accordingly proceeded to London at the close of the year 1677. After several weeks spent in futile conferences with his two uncles, he was about to depart, having realized nothing by his journey but the opportunity of closely observing and studying all parties, and without having said a word about the marriage, when Danby took upon himself to make the first overture to the king upon this subject. Charles testified great surprise, but made no objection beyond alleging the inflexible obstinacy of the duke of York. "But it is easy," said Danby, "to make the duke of York understand that such a marriage is more for his own interest than for that of your majesty. All England is alarmed at seeing him profess popish principles. If he gives his daughter to a prince who is at the head of the protestant communion, it will appear that his religion is only a private conviction, and that he does not desire to impose it upon any one, not even on his children." And ultimately, partly by the use of this argument, and partly by his authority, the king brought his brother to consent to his views; then, having assembled the council, he sent for the prince of Orange, and the whole affair was settled before the council rose. Louis XIV. learned (at one and the same time) the real aim of William's journey, his marriage with the daughter of the duke of York, and the political alliance which was to ensue. A messenger from England notified to him a plan of pacification to which he was invited to subscribe at once, if he did not desire to see England arm against him. Louis broke out in complaints against Charles, and especially against the duke of York, whom he considered more sincerely attached to him. Meantime, Barillon, his new ambassador, wrote to him, that the two princes humbly supplicated him to understand that it was in spite of themselves that they had sent to him; that they did not



desire war, but only yielded to the imperious exigencies of their situation. These reasons did not in the least affect Louis; he haughtily rejected the appeal, and sent word to Charles, through Barillon, that he withdrew his pension.

It was not without bitter regret for the lost favours of Louis XIV., which had enabled him to live in obscure infamy, and apparently exempt from danger, that Charles regarded the violent results that must inevitably follow upon the detection of the new deception counselled by Danby; but all means of subterfuge were at an end. In the beginning of 1678, parliament was convoked, and Charles declared to it that he was determined to succour Holland. The union of the prince of Orange with his niece was, he said, the pledge of his firm intention. He demanded two millions sterling to levy an army of thirty thousand men, and to extend the navy. He perhaps thought that the proposal would be received with the same acclamations which the people, so easily deceived, had everywhere sent forth on first learning his change of policy. But it was impossible for him to have a covert thought which those who had long served him, and who now aided the opposition, would not at once discover. Accordingly, some represented that it would be better, with this subsidy of two millions, to take into the service of England foreign troops, who might be dismissed on the declaration of peace, than to raise within the kingdom an army which, at a later period, might be employed against parliament. Others declared that they would never credit the genuine adoption of new principles, so long as Danby remained minister and Lauderdale unpunished. Lastly, the commons demanded that, without delay, they should name a day, wherein to occupy themselves with the situation of the kingdom in reference to popery. These various objections did not prevent the grant of the subsidy, and the act authorizing the levy of troops, from passing; for commands in the new army were promised to many members of the upper house: and the lower house generally felt the necessity of anticipating Louis XIV. in the campaign about to open. The objections, however, indicated a mistrust which, towards the end of that session, burst forth in violent storms.

The warlike preparations of England were (as yet) only intended to make her respected in the negotiations which

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were opened at Nymegen between her and France, Spain, and Holland. The duke of Monmouth departed with three thousand men to cover Ostend; troops, which the duke of York was to command, were actively raised to support him, and all those already on foot were recalled from the various points where they were not absolutely needed. Scotland thus found herself for a time released from the forces which, for ten years, had maintained the royal government there. In this unhappy country nothing was changed; the odious parliament which, in the early years of the restoration, had sullied itself with so many infamous condemnations, still trembled under Lauderdale and archbishop Sharp, and made the nation tremble by its facility in sanctioning all the acts of tyranny which these two men exercised in the name of Charles.

The presbyterian church, still outlawed, lived in the consciences and affections of men. Eighteen years' existence had not yet given prescription either to episcopacy or to royalty. Military occupation ceasing for an instant, the presbyterian conventicles, which Charles called the nurseries of revolt, soon reappeared, more especially in the western Lowlands. Lauderdale interdicted them, according to the rigorous laws already existing; but his orders, unsupported by soldiers, were treated with contempt. He broke out into empty threats, saying, that he would make a desert of those counties unless all the landed proprietors there prevented their farmers, tenants, and servants, men, women, and children, from attending the conventicles: the proprietors answered, that they could only engage to obey the law for themselves. Lauderdale then wrote to London, that Scotland was in a state of revolt, and that he must have troops, and unlimited powers. The ministry immediately sent artillery and cavalry to Scotland, and, as it had not sufficient forces at its disposal, it authorized Lauderdale to employ the mountain clans, who, from time immemorial, were the fierce enemies of their Lowland neighbours. These barbarians fell upon the presbyterian districts, devastating the cultivated lands, and carrying off the flocks and herds as in the old times. The presbyterians, compelled to defend their houses and fields, opposed a vigorous resistance. Lauderdale summoned them to deliver up their arms, and added a prohibition to the richer classes to

keep a horse worth more than 4*l*. The duke of Hamilton, <sup>i.e. are you ma</sup> and several other distinguished noblemen, went to Edinburgh for the purpose of pacifying him; their arrival threw him into utter fury; in full council he tucked up his sleeves to the elbow, and swore that, by God, they should repent it, if they did not immediately return to their estates, and support the royal troops. Learning afterwards, that they proposed going to London to supplicate Charles himself, he forbade any one whomsoever to quit Scotland without his special permission; but, in spite of him, ten or twelve of the great noblemen, among others the duke of Hamilton, and lords Athol and Perth, <sup>(-Douglas)</sup> <sup>(-Dunray)</sup> passed the border.

Parliament was sitting when the Scottish lords arrived; it received their complaints with warm sympathy. It was no longer the time when no one in England was touched by the afflictions of the Scottish presbyterians. Englishmen now heartily felt with them; they believed themselves menaced with the same sufferings; they no more abandoned them as dangerous sectaries; they saw in them a people who were made victims upon whom to make experiments, of a tyranny which it was not as yet thought advisable to attempt in England. Every one indignantly cited the answer given by the king to the Scottish lords: "I see well enough," said he, "that Lauderdale has dealt harshly with you, but I do not see that he has done anything contrary to my interests." Those who had opposed the levy of regular troops raised a cry of alarm; they said that England would soon be treated like Scotland. Seeing the duke of York at the head of the army, now on its way to the continent, they presaged, with fear, all that would result from that armed intervention, which of late they had so earnestly and so imprudently solicited. <sup>i.e. Hamilton, Perth.</sup> <sup>i.e. so and the</sup>

This sudden change in the views of those who had forced Charles to hostile demonstrations against Louis XIV., was occasioned at once by events which redoubled the habitual apprehensions of parliament, and by fresh terrors which Barillon contrived to spread for his master's purposes. Secret information, given by him to the leaders of the opposition, confirmed their suspicions as to the new projects of the ministry. And herein consisted all the influence which this ambassador, upon deserting the cause of Charles, exercised over the fluctuations and waverings observable in the conduct of <sup>in 1677.</sup>



the opposition with regard to the affairs of Holland. If he purchased a few mercenary votes, and if, to keep up the divisions, he made them vote sometimes with one party, sometimes with another, these obscure intrigues, stifled in a conflict of passions and of interests which they did not comprehend, merit no development in a history like the present. The contradictions of parliament, subject to a sort of fantastic but enduring law, to that instinct of mistrust, infallible in its inspirations, which consisted in saying Aye whenever the court said No, and No when it said Aye, at length ceased, when peace abruptly terminated the conferences of Nymegen. In this peace Louis XIV. alone seemed to have obtained what he desired, for Charles was on the point of countermanding the orders given to his ambassador, when the ratification reached him; at the same moment the opposition again began to desire war, in order to keep the army of the duke of York out of the kingdom; finally, the prince of Orange, informed indirectly of the result of the conferences, attacked the French, in order to give them a pretext for a rupture. The peace, however, was maintained; France was glad to dictate it once more, and Holland to preserve all her territory, after a war which had threatened to efface her from the list of nations. As to England, it was an event advantageous also to her, in giving great material force to power, which, rendering it more enterprising, hastened the accomplishment of things.

Parliament, on hearing of the peace, saw all its dangers, and strove to prevent them by warmly insisting upon the disbanding of the troops immediately upon their return, the impeachment of Lauderdale, and an end being put to the frightful system which was desolating Scotland. As to the latter point, the king made some concessions; he gave orders that the mountain clans should evacuate the Lowlands; but with regard to the disbanding of the troops coming from Holland, he declared that, being unable to liquidate the arrears of their pay, he should be obliged to keep them on foot. Parliament saw that this was only a pretext; it was prorogued. Most of the members returning to their counties, were so persuaded that in the next session the troops would be employed against them, that they announced their intention not to resume their seats. This opinion

*(i.e. were frightened out of their seats.)*



rapidly communicating itself to all classes of the nation, a gloomy stupor already exhibited to them England given up like Scotland to military executions,—and sold by a parliament like that which legalized all Lauderdale's acts of violence,—when a circumstance which seemed to arise out of the very situation of things, suddenly called religious fanaticism to the aid of public liberty. *(-i.e. derangement, A.P.D.)*

A London chemist,—one Kirby,—and a doctor named Tongue, having procured an audience of the king and the minister, Danby, denounced the existence of a popish plot,—which was soon to break out. The man from whom they derived their information was a certain Titus Oates,—whom the jesuits had intrusted with various missions into Holland and Spain; they indicated his place of abode. Titus Oates,—summoned before the council,—previous to proceeding thither, went to justice Godfrey, and made an affidavit before him, that the papists had formed the project of killing the king in order to give the crown to the duke of York; that the affair had been resolved upon in a congregation called The Propaganda, held at Rome, by the pope Clement X.; that in this assembly the king, designated by the name of the *black bastard*,—was declared *deposed* from the throne as a heretic; that the holy see *laying the kingdom under interdict, ad interim*, had given the lieutenancy of it to Olivia, the general of the jesuits, and that the latter was to transfer his authority to the duke of York, on condition of his establishing popery in England; that 10,000*l.* had been forwarded to London by the jesuit Lachaise, confessor of Louis XIV., to pay an assassin; that another jesuit had offered to commit the crime; that as soon as they had got rid of the king,—an army was to be levied to proclaim his brother. Oates produced the names and commissions of all those whom the conspirators intended to place at the head of the government and of the popish army. *Black = dark, fixxiem? Olivia?*

Whether or no some madmen had formed a plot to this effect, it is certain that nothing in the depositions of Oates was more *odious* than what has been related of the arrangements of Charles with Louis XIV.; nor,—in the means of execution alleged against the conspirators,—nothing more *absurd* than those which the duke of York,—as we learn from his *Memoirs*,—had devised for securing the triumph of popery. Doubtless, something of that real and enduring conspiracy,

1678-  
planned by the reigning family against the nation, had transpired; there were thirty thousand soldiers under arms; the national representatives were menaced; the manner in which the peace of Nymegen was accepted by England has just been mentioned. In such a state of things, Titus Oates, making himself the organ of the popular rumours, devoting himself, perhaps from want, perhaps from enthusiasm, to the responsibility of affirming upon oath things which all the world believed to exist, Titus Oates, despised by those who were acquainted with his career, treated as an impostor by the king, by the council, and, with the exception of justice Godfrey, by all those who officially received his depositions, would naturally be listened to with transports by the people, ever credulous in proportion to its hate and its fear. There was universal excitement. Calmer minds thought that Titus Oates stated more than he knew; the impetuous multitude looked upon him as knowing even more than he said.

Authority, compelled to indulge a prejudice which it would have been dangerous to oppose, treated with the utmost attention and respect a man whom it regarded as a rogue. He was solicited as earnestly as though the safety of the state depended on what it should please him to conceal or to avow. His declarations each day implicated an increasing number of important personages; foreign princes, the duke of York, the queen, were named, after infinite contradictions and hesitations, which the populace regarded as manifesting Oates to be internally agitated with fears, and thus redoubled their interest in him, and their indignation against those whom he pointed out to public fury. Of his many astounding statements, some were corroborated by indiscreet expressions which escaped the duke of York; nay, one absolute truth appeared: Oates had said that the secretary of the duchess of York, the jesuit Coleman, had been named by the pope his secretary of state in England. Search was made in the apartments of this Coleman, and among his papers several letters were found which related to extensive popish plots. In one he said: "We have here a mighty work upon our hands; no less than the conversion of three kingdoms; and by that, perhaps, the utter subduing of a pestilential heresy which has domineered over a great part of this northern world a long time. There never were such hopes of success since the death of



our queen Mary, as now in our days when God has given us a prince who is become (I may say by miracle) zealous of being the author and instrument of so glorious a work.

"I can scarce believe myself awake, or the thing real, when I think of a prince, in such an age as we live in, converted to such a degree of zeal and piety, as not to regard anything in the world in comparison of God Almighty's glory, the salvation of his own soul, and the conversion of our poor kingdom. Money cannot fail of persuading the king to anything. There is nothing it cannot make him do, were it ever so much to his prejudice. It has such an absolute power over him that he cannot resist it. Logic in our court, built upon money, has more powerful charms than any other sort of argument."

This letter, however susceptible of explanation, seemed an unanswerable confirmation of all that which in the depositions of Oates was not manifestly false.

This discovery had just been made, when justice Godfrey disappeared. He was found a few days afterwards, in the environs of London, pierced through with his own sword; but the state of the body proved that the unhappy man had not fallen until after a long struggle. Who had given the blow? this was never known. Drops of wax upon sir Edmondsbury's clothes made it supposed that he had been assassinated in the night, and by priests, for at that time wax was only made use of in churches and in the houses of the great noblemen. Moreover, Godfrey had incurred the hatred of the papists by his encouragement of the disclosures of Oates. He was honoured by a magnificent funeral, at which all the church-of-England clergy were present. The enormous population of London followed the hearse, now silent and mournful, now bursting out into cries, not of regret, but of rage. The men were armed, iron chains were drawn across the streets, and palisades prepared at the gates, as if some violence on the part of the court was apprehended on the occasion of these menacing obsequies.

Meantime the king was obliged to convoke parliament. His opening speech was looked forward to with impatience, as the profession of faith of the court on the subject of the plot. Danby had counselled Charles to appear convinced that his life was threatened by the papists; this, he said, would be an

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admirable mode of rendering himself dear to the people. Charles, with better reason, thought that it was not fitting for him to accept as a mark of attachment to his person, that which was only hatred towards the papists. He, accordingly, freely said what he thought of the disclosures of Oates. Much to his displeasure, the two houses expressed an entirely different opinion: they declared that the facts revealed were of a nature to occupy them for the present to the exclusion of all other business. They demanded a public fast; assigned to Titus Oates a pension of 1200*l.*, and apartments in the palace of Whitehall; finally, they expressed a desire that a guard should be given him for his preservation from the fate of Godfrey, assassinated, — said they, — by the papists. While the inquiry lasted, they assembled twice a day. Oates repeated and enlarged upon his disclosures; he was applauded with frantic transports. Another informer, — named Bedloe, — also reckoning on the public favour, came forward. He made oath that justice Godfrey had been assassinated in Somerset-house by catholics, among whom were some of the queen's domestics. Passing from this particular fact, concerning which he furnished no proof, to the plot in general, and, with an affectation of deep remorse, declaring that, seduced by brilliant promises, — he had himself joined it, — he made a deposition evidently founded on that of Oates, but received as though a distinct confirmation of the latter. Bedloe asserted himself to be acquainted, — not only with the details of the conspiracy then denounced, — but of those of a multitude of plots formed by the papists since the restoration. His declarations, for the most part contradictory, were eagerly read by the public, as collected in a book with the following singular title:—"A narrative and impartial discovery of the horrid popish plot, carried on for burning and destroying the cities of London and Westminster with their suburbs; setting forth the several consults, — orders, and resolutions of the jesuits, — concerning the same: by Captain William Bedloe, — lately engaged in that horrid design, — and one of the popish committee for carrying on such fires."

Many other libels, dictated, as this, by hatred, and a desire for gain, were profusely spread abroad, and transferred to the streets of London the great trial which was preparing in parliament. But everything, in the tumultuous meetings to

which the circumstances gave rise, was taken as proof, when the tribunal which, notwithstanding its elevated position, shared in the need of believing the charges, sanctioned them generally by the following declaration: "The lords and commons are of opinion that there is, and hath been, a damnable and hellish plot, contrived and carried on by popish recusants, for assassinating and murdering the king, for subverting the government, and uprooting and destroying the protestant religion."

And now commenced, before the courts of justice and the upper house, a sombre prosecution of the catholic lords Arundel, Petre, Stafford, Powis, Bellasis, the jesuits Coleman, Ireland, Grieve, Pickering, and, in succession, all who were implicated by the indefatigable denunciations of Titus Oates and Bedloe. Unhappily, these courts of justice, desiring, in common with the whole nation, to condemn rather than to examine, wanted neither elements which might, if strictly acted upon, establish legal proof of conspiracy against some of the accused, nor terrible laws to destroy them when found guilty. And it was here that a spectacle, at first imposing, became horrible. No friendly voice arose to save those men who were guilty only of impracticable wishes, of extravagant conceptions. The king, the duke of York, the French ambassador, thoroughly acquainted as they were with the real nature of these imputed crimes, remained silent; they were thoroughly cowed. No generous remonstrance was made by the enlightened men, who saw in this accusation merely a specious but useful argument against popery. Many influential members of the two houses regarded Oates and Bedloe, to use lord Shaftesbury's expression, as men fallen from heaven expressly to save England from tyranny. They made it a fearful system with them not to combat, in minds weaker than their own, a credulity arising from fear and from a love of the marvellous. There were some, and among others Seymour, who seized this pretext of dangers incurred by the king, to pass over, with popular applause, to the opposition; and hence that concurrence of men of all parties and of every opinion, in punishing utterly vague projects under the determinate form given them by the voice of the informers.

This unanimous adoption of a popish plot, taken as a type:



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of all that royalty, since its re-establishment, had been charged with, unhappily demanded victims; and the nation, through its representatives, drew back no more from these odious results, than it had from the necessity of sacrificing the more ardent partisans of the revolution, when its terrors recalled the Stuarts. The low knaveries of the restoration, and the crimes of its earlier years, were perpetrated for the safety of general interests; and since then, those interests, well or ill understood, had formed the law. They had led the counter-revolution to the overthrow of the presbyterian church, and of the national party, who desired neither bishops nor king. Royalty wished to continue the movement to its own profit, and for that of the odious religion for which torrents of blood had been shed by queen Mary. General interests separated, not from the principle of monarchy, but from views which tended to consolidate it at the expense of all liberty. They had made royalty adventurous, and at first suffered for what they had done for it; but by strongly attaching themselves to that which they had not yet sacrificed to it, to English protestantism, to the political constitution, an imperfect collection of guarantees obtained by twenty generations, to legislation, such as the parliamentary storms, the precursors of the revolution, had made it, they created, and only just in time, a resistance.

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1662-  
Parliament, as a whole, faithfully represented general interests in their successive modifications during the seventeen years which had elapsed between the restoration and the popish plot. So long as it fluctuated between the fear of despotism and that of absolute liberty, it compounded with royalty, and manœuvred its forces to keep at an equal distance between the two equally dangerous extremities, so as not to incur the shame of defeat, and to avoid the inevitable consequences of a complete victory. But, like the nation, it gradually outgrew the impression produced by the excesses committed in the name of liberty, and, proportionately, lost the men of the generation which had suffered from those excesses. The partial renewals supplied by elections, whose spirit responded to the progress of the popular discontent, introduced into the commons, in the train of the members of the church of England, who had commenced the opposition, presbyterians, patriots, without zeal for any



particular creed, disgraced ministers, masters of all the secrets of the court, and, lastly, men who openly professed republican principles. The latter being, in the opposition, the only members who had a decided aim, that of overthrowing the reigning family, laboured more earnestly than any for the gradual recovery of all which the general surprise at the moment of the revolution had given to it.

Thus this royal will, which passed as all-powerful, had not even the force of a definite and limited prerogative. When it exhibited its inclination to protect the papists, it was anticipated by their being involved in the general proscription of dissenting sects. It claimed the power of raising troops at its pleasure, and of keeping the militia on foot: old laws, suspended but not repealed by the restoration, were opposed to it, or it was refused subsidies. It employed ministers under whose good intentions it concealed its own: they were assailed, and paid the penalty it had incurred. Tired of fruitless lying, it called to its councils men without morality or religion, and proceeded, by coups-d'état, against the national religion and the national representatives: it was refused aid in the foreign wars which were to establish this new system, and its mistakes forced it to sacrifice its counsellors, and to sanction a religious test which deprived it of its most devoted servants. Returning to the legal struggle, it attempted to oppose to the religious, a political test, according to the doctrines of absolute power: the right of insurrection was proclaimed to its very face. Lastly, when a skilfully-planned fraud procured for it the support of a standing army, the popish conspiracy was invented against it, and it was for some time kept down by this fabrication, which was sustained with a completeness and an earnest determination unexampled in the history of any nation. But the victory thus obtained was not a legitimate one; and it had these deplorable features, that it disturbed or corrupted many consciences, that when the impulse given by it began to subside, it left nothing of this great crisis but a stain, and that the very men who had once saved themselves by imposture, had not public virtue enough to take arms when insurrection became a necessity.

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## PART THE SECOND.

## CHAPTER I.

## A NEW REVOLUTIONARY MOVEMENT.

(-1678-1681.)

Political results of the popish plot—Boldness of parliament—Discovery of the relations with France—Influence of this discovery on the elections for a new parliament—Spirit of the lower house—Affairs of the Danby ministry—Advice of sir William Temple—Bill to exclude the duke of York from the succession—Resistance of the court—Progress of the republican spirit in the lower house—The members of the church of England reconciled with the court—Doubts of the nation favourable to the republican party—The intentions of the party disclosed—Parliament of Oxford—Abrupt defeat of the republican party.

1678  
THE popish plot having extricated parliament and the nation from the greatest danger they had been menaced with since the revolution, the irritated public mind easily persuaded itself that henceforward there was no means of defence but in attack. The king had not accepted the kind of respectful exception which, even amidst the fury against the abettors of popery, had been made in his favour, by affecting to think him innocent and even menaced by the conspirators. The duke of York had at first despised, as of light consequence, or at least as destitute of proof, the accusations which were diverted from the king and thrown upon him. Public indignation, thus braved, felt itself authorized no longer to impose upon itself a moderation in its power, for which it had not hitherto received any credit. While the courts of justice by their prosecutions kept up popular cre-

dulity on the subject of the plot, and struck with the arm of the law all whom law could attain, parliament enlarged the field of legal vengeance, and proposed enactments which might strike its enemies, even at the foot of the throne.

The eager delight with which the most violent motions against the papists were received, scarcely left the few distracted friends whom they retained at court time to recollect themselves. A new church of England test, much more rigorous than that which had overthrown the reign of the Cabal, passed almost without opposition. One of those who supported it in the upper house (lord Lucas), spoke of it in terms, the coarse brutality of which would not have been tolerated a few months before: "I would not have so much as a popish man, or a popish woman to remain here; not so much as a popish dog or a popish bitch; not so much as a popish cat to pur and mew about the king."

1668-167

Yet these words were loudly applauded. The duke of York, then present, demanded a personal exception, and expressed himself with as much courage as propriety. He was listened to with impatience, and only obtained the exception by a majority of two votes. The bill had been directed against him.

The discovery of one of the sets of correspondence containing demands of money from Louis XIV., gave fresh daring to the spirit of hostility against the reigning family. It personally compromised the king. Lord Montague, who had been his minister in France, had, in consequence of some indiscretions, incurred his displeasure, and then his hate because he threw himself into the opposition. By an order, the imprudence of which is inconceivable, Montague was accused of having kept up a correspondence with the pope, and of having disclosed the secrets of his government to France. In making use against an old favourite of this popular weapon, continually menacing himself, the king hoped that Montague would be unable to prove by whose instructions he had, during his embassy, promoted the popish intrigues. But Montague had preserved the official letters which contained those instructions; and, when summoned before a court of justice, he produced them. One of them, written by Danby, who in this affair displayed a fierce inveteracy against Montague, ordered him to require from

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Louis XIV. an annual subsidy, for three years, of 300,000*l.*, in order that the king, during that time, might be able to dispense with parliament. Here was revealed the whole history of the treacherous mediation in the Dutch war. The letter did not bear the royal seal, but at the bottom were the following words, in the king's own hand-writing: "This letter is writ by my order—Charles."*R.*

Parliament could not lose the right to investigate such a matter; it took possession of the letters. The solicitor-general Winnington made a report upon them, and demanded the impeachment of the minister who had written them. "I see," said he, "the interests of England and our faith sworn to our allies, sacrificed to the thirst for French gold, made use of to deprive us of our national representation: is not this selling the country, and upsetting the constitution? I say 'tis the crime of high treason, and for that crime I demand that my lord Danby be impeached."

A bill of impeachment was immediately voted by the commons, and carried to the upper house, where there was every reason to believe it would be adopted, when the king, alarmed at the probable consequences of this impeachment, in order to delay it, prorogued parliament.

It was necessary that government should without delay follow up this proceeding; the nation was not in a temper to endure a long prorogation. Danby advised the dissolution of parliament, and urged upon the king, the duke of York, the influential members of the opposition in the upper house, that they would find their advantage in an entire renovation of the lower house. He told the king and the duke, that by a judicious use of what money there was in the treasury, they might secure royalist elections, and that, at all events, it was impossible that the new house could be more unfavourably composed than that which they would get rid of; he gave the opposition lords to understand that if the house of commons were retained, and carried his impeachment, the king would be obliged to take ministers acceptable to that house, whereas it had already so changed about, that a very few popular measures would suffice to bring it back to its former royalist zeal. This apprehension of the versatility of the house of commons existed in point of fact among the opposition lords, and in a late session had induced some of them to demand its dissolu-

tion. They supported with all their connexions at court the views of Danby, who, on his part, promised to leave the ministry. The dissolution was resolved upon, and the king pronounced it in the beginning of January, 1679.

Another miscalculation destroyed the hopes which had been founded upon this measure. The court exerted itself in vain to procure the election of men of its own views; the national party had the advantage. It found a means, by multiplying freeholds of multiplying votes, and of thus calling a larger portion of the inferior classes to the defence of their interests. The reports which reached London from all parts of the kingdom, of the conduct of the people at the elections, were so alarming, the public professions of faith of the candidates so menacing to the papists in general, and the duke of York audaciously held up as the soul of all their plots, that the king, before assembling the new parliament, thought it advisable to remove his brother, as much to screen him from what his enemies, irritated at his presence, might undertake against him, as to appear a sharer in the dissatisfaction which he had occasioned.

The session began; all the old opposition had been re-elected; among the new members, the presbyterians were the more numerous, and their political friends were full of the design, most formidable to the counter-revolution, of turning out the reigning family. If this were not actually the desire of the whole house, the passions which animated it tended absolutely to the same end. Events, perils of the same kind as those which the *long parliament* made use of as a weapon, had again brought into favour the plans of reform preached forty years before, against enormous abuses now renewed. They were no longer the dreams of mystic perfection, the adventurous hopes that had precipitated the first steps of the revolution; but in their place the profound resentment, the swelling of the heart of men too long reduced to form an opposition on principles not their own, and who now, by a powerful internal reaction, were reverting to those which they blushed ever to have discarded. They perhaps thought themselves strengthened by experience, and able to dominate the popular passions. And, whatever the result, it clearly appeared that a fresh appeal to those passions was with many a duty of conviction, with the majority, a desperate attempt.



finch?

The new parliament was very little moved by what the keeper of the great seal, Nottingham, said, in his desire to magnify the greatness of the sacrifice which the king had made of his affections in removing the duke of York. The impeachment of Danby was again demanded with more vehemence even than in the last parliament; it was in vain Danby set his friends in motion in either house; his opponents persisted, not from any special hatred towards him, but because they desired that he should defend himself by inculpating the king. Charles, seeing to what this perseverance tended, was so imprudent as himself to tear aside the veil of ministerial responsibility. He thought to impose silence by declaring to parliament that his minister had done nothing but by his orders; that he therefore exonerated him from the impeachment brought against him, and thought fit to give him a warrant of pardon; "and should any one represent it as invalid, he will find us able to secure the protection of the laws to a man who has faithfully served us."

Though he had an army at his orders, to support this declaration of his *good pleasure*, the challenge was accepted. Orators, among others Seymour and Winnington, denied that the royal prerogative could protect a minister from public vengeance. "It was the people after all who suffered from the treasons and misconduct of ministers, and there was no satisfaction for them in a royal pardon, but only in the punishment of the guilty." The friends of Danby proposed a compromise, the exiling him, as Clarendon had formerly been exiled. But they who supported the impeachment cried: "What is the use of a constitution? What of the pretended responsibility of ministers? You had better declare at once that for the future men charged with public trusts may traffic in the honour and interests of the nation, and be let off for an excursion to the continent."

Danby, left without hope, retired, and shortly afterwards was sent to the Tower, by order of the house of commons; but the royal prerogative was shaken. As the fermentation among the people responded to the violence shown by the commons, Charles, once again placed in the alternative of violating the constitution by a *coup-d'état*, or of abandoning the administration composed of the creatures and friends of Danby, adopted the least dangerous resolution, that of



forming a new ministry, and he once more had recourse to the integrity and sound judgment of sir William Temple.

Sir William Temple gave advice which, if it had been followed, would perhaps have terminated the counter-revolution. He told Charles that it was already very late to think of saving the nation from tyranny, or royalty from a second fall; that however there was a means which appeared to him calculated to re-establish confidence, and to produce a firm order of things; that hitherto the conduct of government had depended on the particular character and intentions of two or three ministers, subject to a factitious responsibility; that it was necessary to associate with the interests of the crown, to as large an extent as possible, councillors who, from their independent position, their principles and their fortune, shared equally the national interests, and to do nothing except with their advice. "That advice," he added, "will invariably be the expression of the general interests, essentially friendly to order, to economy in the expenses of the government at home, and to the maintenance of the national glory abroad."

Charles decided upon forming a council of this kind, and promised to consult it in all that he should do; but he composed it half of officers of the crown, and, against the advice of Temple, introduced into it, among many men who enjoyed well merited consideration, others who had acquired their influence in parliament only by intrigue and turbulence. Yet, one of the principal guarantees which Temple had desired by this arrangement to give at once to the nation and to the crown, was obtained. The annual revenue of this council, composed of thirty members, equalled the income of all the members of the commons put together. Men possessing such an amount of wealth would not desire a new revolution.

The king selected from the council a new ministry, a sort of committee, in which matters were to be discussed before they were submitted to the council. The earl of Essex, of a family devoted to the Stuarts, a man to whom the manners of the court were odious, who desired liberty from rational considerations, and who detested catholicism as incompatible with liberty, was intrusted with the treasury. The earl of *Spencer* Sunderland, a man of known capacity, but better suited to the Cabal ministry than to associate with sir William Temple

*Savile-*  
*Whaley-*  
and the earl of Essex, was made secretary of state; the marquis of Halifax, who, as a *bel esprit*, professed atheism and republicanism, but who, as a courtier, had always been found ready to oppose the liberty supported by parliament, was summoned to the same committee. Lastly, Shaftesbury, now the idol of the people, was named its president. In the council were to be seen, among those who have been observed in this history as distinguishing themselves by their talents or virtues at the head of the parliamentary opposition, lords Russell and Cavendish, sir William Coventry, sir Francis North, and Edward Seymour.

This ministerial revolution was rapidly brought about, and at first kept secret, in order that it might produce in the public the effect of an agreeable surprise; but it was very coldly received. The assembled parliament remained silent. It had not charged Danby with deceiving the king, but with serving him too well. Even they, whose friends were to have seats in the new council, did not seem subdued by this attempt to ingratiate them; they said that the king would not heed the new ministers, or that he would gain them over to his interests against those of the nation; that nothing but his incapacity to do harm could make sure of him. It was a clear resolution on their part to attack royal power without waiting for it to make fresh attempts.

As a manifesto, the commons issued a declaration concerning the duke of York, resolved unanimously in the following terms: "That the duke of York's being a papist, and the hopes of his coming such to the crown, have given the greatest countenance and encouragement to the present conspiracies and designs of the papists against the king and the protestant religion." That was to say, that they desired to exclude the duke of York from his right of succession to the throne. Long since, with different views, the partisans of the duke of Monmouth, the friends of the duchess of Portsmouth, mother of a son for whom her ambition meditated a throne, and lastly, the zealous members of the church of England, had looked forward to the moment when this exclusion might be demanded. At the time the duke made his conversion public, menacing measures warned him that all England rejected him. Parliament, now strong enough to give voice, in the name of all parties, to this sentiment of reprobation,

*in 1679*



was led away by the energetic party who swayed it, to vote the declaration,—and even to permit several members to support it by arguments threatening to royalty.

In the council, the men who belonged to the opposition urged the king to respond to the appeal of the commons, by himself proposing what should appear calculated to reassure the nation as to the fears inspired by the duke of York. “There were,” they said, “two alternatives open; either to exclude the duke altogether, as a papist; or to limit his authority beforehand,—so that he could undertake nothing against the religion of the country. If the king did not take the initiative, the commons would anticipate him, and go much further than he would.”

Shaftesbury spoke in favour of the exclusion: “The king,” he said, “had a right to disinherit his next heir; it was a right vested in every head of a family,—in every person who had property to leave behind him.” As it was not from political views,—but simply from hatred to the duke of York, *who he thought had persuaded the king to think him so* that he supported the exclusion,—one may suppose that he consciously made this confusion between the laws of succession which govern the family,—and those which should govern the state. Lords Sunderland,—Essex,—and Halifax advocated limitations; the two former,—because these appeared to them less opposed to the monarchical principle than exclusion; the latter said before the council that, to exclude the duke of York, would be to render the monarchy elective, and to abandon the kingdom to anarchy; but he told his friends that he supported limitations,—holding it to be a supreme happiness for England to have a popish king,—there being no other way to destroy royalty. Temple opposed limitations,—with the motives of an honest man. He said, that if the system of limitations was adopted, they would be a salutary check upon a popish successor,—but that for the protestant princes who should reign afterwards, they would be equivalent to the destruction of the royal prerogative. The king concurred with those who, regarding as a misfortune for royalty the necessity of yielding at all to this new encroachment of the commons, out of two concessions, selected that which cost least, and desired the lord chancellor to propose a plan of limitations to parliament.

These limitations,—of all the principles of monarchy,—preserved



only that of direct inheritance. They left to the duke, should he become king, but a vain title; they conferred on parliament the right of assembling, and of remaining assembled, and of nomination to all the offices, civil, military, and ecclesiastic. The commons were not satisfied with this extraordinary offer on the part of Charles. They drew up a bill of exclusion, which declared the duke of York a traitor, if he attempted, after the death of the king, to return to England and assert his title by arms. This bill passed by a considerable majority. The session continuing, the lower house, besides the bill of exclusion, brought in five bills, stamped with the same hostile character, and which all revived the pretensions of the earlier years of the long parliament: a bill ordering an inquiry to be made as to the members who had sold themselves to the court under the two preceding administrations, the outline of which strongly resembled the celebrated act against delinquents; a bill expelling from the house all persons who held salaried offices; a bill ordering the disbanding of the standing army; another regulating the periodical assemblies of the militia, nearly the same with that which Charles I. had refused to sanction; and lastly, a bill in favour of individual liberty, the famous guarantee of *habeas corpus*. Since the parliament of 1668, the proposition of a measure of this kind against arbitrary imprisonments had reappeared every session, always opposed, and each time improved in its character. This session it passed the houses, and only awaited the royal sanction.

While discussing these various measures, which brought back monarchy to the battle field on which it had already succumbed, the commons warmly pressed forward the trial of the papist lords in the Tower, and persisted in demanding that the upper house should declare invalid the pardon given to Danby. This demand was more especially opposed by the spiritual peers, who had a lively recollection of the support which they had accorded to Danby. The presbyterians of the lower house did not fail to take advantage of this opportunity of attacking episcopacy. They represented to the lords, on the strength of numerous precedents, that the bishops sitting among them could not vote in the trial of Danby, and ought to remain away from the house until that affair was terminated. The lords, by a small majority, refused to sanction

this exclusion. The commons declared that if the bishops were allowed to vote, they would suspend their labours. The king hastened to take advantage of this new dispute between the two houses, not to prorogue, but to dissolve parliament. Most of the revolutionary bills then under discussion, waited a second or third reading: there were but two exceptions: the disbanding of the troops bill had passed, the king having had to choose between the advantage of retaining them, and that of receiving a subsidy of 20,000*l*. The law of habeas corpus also had passed. *(The King knew he wd get nothing unless he consented to this.)*

The new revolutionary movement was not arrested in its course by the loss of its great political arena; it made its way through all the paths which remained open to it. The pulpits resounded with sermons in which the jesuit maxims which appeared to have been put into practice in the popish plot, were held up to public horror and contempt. The courts of justice witnessed the inveteracy of the judges against the victims of this atrocious tale, and the fierce applause of the public at each fresh condemnation. Five jesuits were put to death; after them was executed Langhorne, a learned lawyer, whose crime was the having professionally assisted papists in several prosecutions against them. The press, again become free by the dissolution of parliament, increased this overflow of passions. A multitude of pamphlets appeared, in which the members of the opposition, some of them with formidable talent, discussed the question of the exclusion of the duke of York, and the extent of the royal prerogative. The presbyterians, in other publications, attacked episcopacy, mixing it despite itself, in the counter-revolution. The court had no partisans who dared to reply: the bishops, however, did not remain silent. They sent forth, under the title of the Observer, a journal almost entirely filled with recriminations against the dissenting protestants. The latter reproached them with selling themselves to power, and with aiding to fetter liberty, in order to preserve their honours and their immense wealth; they retaliated upon the presbyterians with a retrospect of the excesses committed by their sect when it was dominant, and denounced their principles as subversive of the existing order of things. *(Caesar and Pompey were 'royalists' alike, I think.)*

The episcopalians, during these disputes, were furnished with a terrible argument against their adversaries. The dis-



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banding of the troops having once again given the Scots time to breathe, and Lauderdale having shared the disgrace of Danby, the Scottish presbyterians had obtained from a new administration more toleration, and had immediately resumed their assemblies, called conventicles. Some of them, repairing to an assembly of this kind, met the carriage of that Sharp, who, for fifteen years, had so cruelly tyrannized over them. Sharp expired under their blows. The murderers and some ministers who had excited them to the deed, as an act of vengeance agreeable to God, created an insurrection near Glasgow; many thousands of presbyterians hastened to their call, scantily armed and clothed, but animated by the belief that the triumph of Christ, expected during the long days of oppression, had at length arrived. They proclaimed the covenant, and, repulsing some companies of guards sent to disperse them, marched on at hazard, summoning all the presbyterians to join them, and demanding the convocation of a free parliament. The duke of Monmouth was sent in all haste against the insurgents, with some troops collected in the north of England; he attacked them at Bothwell bridge on the Clyde, not far from the little town of Hamilton. They scarcely resisted. The duke commiserated their fanaticism, and spared them; a few ministers only, the leaders of the revolt, were hanged; as intrepid on the scaffold as they had been cowardly on the field, they died without acknowledging the authority of the king.

The duke, returning to London, obtained with difficulty a pardon for the insurgents. The king was displeased that he had prevented the victorious troops from massacring the fugitives, and taken such care of the prisoners. The duke nobly replied, that if the object was to kill defenceless men in cold blood, a butcher would have been more suitable than he. Entrusted with securing the future submission of the country, he continued to act with that moderation which procured him many partisans in Scotland and in England. In a short time he effected, by gentleness, what none of the administrators who had followed each other in Scotland since the restoration, had been able to do. He regulated the dissenting assemblies in such a manner, that there was no need either absolutely to authorize them or to prohibit them. The attempt of the insurgents, defeated at Bothwell bridge, happened at the moment

(-June 22<sup>nd</sup> 1679)



when the court party, long stunned by the blow inflicted upon it by the popish plot, had recourse, in order to renew the combat, to the press. The writers of this party did not fail to connect the Scottish revolt with the system of revolutionary attacks favoured by the existing tendency of the public mind. This tendency, essentially bound up with the great danger which had given it birth, was sustained by the fear of what the reign of the duke of York might have in reserve, but was not what the republicans fancied it to be. Although the mass of the nation allowed itself to be led by them, it had not, like them, any fixed resolution. Already seeing the episcopalians attach themselves to the king, because, like him, they were menaced by the presbyterians, it did not clearly perceive what might be the result of a sudden subversion of the existing state of things. All its doubts became manifest when an illness threatened abruptly to carry off Charles II. If he dies, said they, the duke of York will reign, and with him the papist faction thirsting for vengeance. If the duke be excluded, who will reign? his daughter, or one of the king's natural sons? As to the republic, it can only establish itself by exterminating the whole of its adversaries in the order of bishops and in the house of lords. The king, however, recovered, and the joy excited, under these feelings, was as general as it was misconceived by him who occasioned it.

During the king's illness, the duke of York came secretly to London. The deep depression into which he found his brother plunged, the result of such infinite humiliations and miscalculations, entitled him, he considered, to represent that, if his counsels had been followed, the revolutionary party would never have arrived at this degree of audacity. The duke described parliament and the council formed under the advice of Temple as a set of factionous persons whom the king ought at once to dismiss. The real opinion of England was, he said, that which expressed itself in the anxiety, so general and so vivid, for the menaced life of the king. The proper course, he urged, was to dissolve the council, to defer, as long as possible, the assembling of a new parliament, and sincerely to renew relations with Louis XIV. The king determined upon adopting this advice, and here commenced the ascendancy which the duke afterwards exercised over him. He did not

as yet allow him to remain in England, but he dismissed him with the promise that parliament should not be called for a year, and that the government of Scotland should be taken from the duke of Monmouth, the chief of a considerable party among those whom the terror of popery did not carry so far as to desire the subversion of royalty. These numerous enemies of the duke of York, justifying the national anxiety when the death of the king seemed certain, were on the point of dividing, some projecting to have Monmouth crowned, others to proclaim the duke of Richmond, son of the duchess of Portsmouth, others to call in the son-in-law and daughter of the duke of York. The republicans, on their side, were actively bestirring themselves to secure the triumph of their views. It was even supposed that, favoured by the general confusion, one of these various parties had attempted to get possession of the Tower of London and the principal posts of the city. The recovery of the king disconcerting all their hopes, they reverted to their point of separation, resuming reluctantly the legal path by which the mass of the nation desired to arrive at the destruction of popery, and to save itself from the vengeance of the duke of York.

The king regained courage at the joyful acclamations which greeted his recovery. Had he comprehended their real import, he would have adhered firmly to the counsels of Temple. An invincible fatality, or rather the consciousness of the wrongs he had inflicted on the nation, induced him to prefer the course traced out by the duke of York. Temple, Shaftesbury, Essex, and Halifax retired, after having vainly solicited the convocation of a parliament. The council, no longer consulted, ceased to assemble. Sunderland remained minister; Laurence Hyde, son of Clarendon, and lord Godolphin, who had been employed in the treasury, under lord Essex, replaced, the one the latter minister, the other lord Halifax, and encouraged the king in his resolution not to assemble parliament. But the religious and political writings against popery and arbitrary power surpassed in violence anything that parliament could have said. The court answered with other writings, which also found readers. The bishops supported with still greater advantage the interests they had in common with royalty, which saw in their diversion against the revolutionary party a most useful exercise of the time



gained by the prorogation of parliament. The latter party accordingly loudly demanded a session. It circulated throughout the kingdom petitions demanding a parliament. The court hawked about others, which left everything to the wisdom of the king. They who signed or approved the former took the name of *petitioners*; the latter called themselves *abhorrrers*. These denominations were shortly superseded by terms of reproach, *-whigs, -or presbyterian robbers, -tories, -or papist robbers*, exchanged between the two parties, and which, afterwards accepted by them, have existed in England, attached to the two great interests that still divide her politics.

It is worthy of remark, that the superiority of number of the petitioners over that of the abhorrrers was not so great as the court might have apprehended, *-or its enemies hoped*; but the explanation of the general joy at the recovery of the king explains this also. The action of the various parties armed against popery became more and more divergent. London, *-which contained the greatest amount of democratic elements, -appointed to the important office of sheriff two enthusiastic republicans, -Cornish and Bethell, -who would naturally introduce other republicans into office, wherever their influence prevailed.* The bishops, *-at the same time, spoke of expurgating the lower clergy, -composed partly of old presbyterians.* The provinces were at once agitated by preparations for the elections, which, it was said, were approaching, and by the triumphal progress of the duke of Monmouth, recalled from Scotland, in accordance with the promise given to the duke of York. All this disorder brought back among the labouring classes, who had no other ambition than that of living quietly and in comfort, the anxious doubts and fears which, heretofore, the result of similar excitement, had favoured the return of the Stuarts. Hatred of popery was the predominant feeling with the citizen class, and had, for a while, rendered it capable of the blindest fanaticism; but the great lords and large landed proprietors, *-who, in the affair of the plot, had placed themselves at its head, -proposed applying the victory to other purposes, and this did not escape its observation.* Among the leaders of the opposition in the upper house, many had family and social connexions with the court, which they made use of for the promotion of unavowed objects, perhaps for the general interest, but by



the medium, ever liable to suspicion, of intrigue. Men were not sure of their intentions until they proclaimed them openly in parliament. It was the same with the members of the commons, when, in the interval of the sessions, they sought to arouse public opinion by secret dealings. Burnet, the historian, who has best painted this epoch, observes, that the members of the commons who, during the prorogations so frequent since the popish plot, though discontented with the court, remained calm and silent, -avoiding the clubs and tumultuous assemblies, -at the reopening of parliament presented themselves with much more effect upon the public mind than they who, busied in intrigue, had created doubts of their intentions. The people, -he adds, -were very eager for remedies applied by parliament, but alarmed at all others.

At the close of the year 1680, the convocation of a new parliament gave regularity to the previously tumultuous expression of the popular anxiety. Charles, after succeeding with great difficulty in keeping parliament in abeyance for nearly a year, had descended to the most despicably base supplications to obtain from Louis XIV. the means of extending this prorogation to the time fixed by the triennial act. But Louis, being willing to grant only three millions of livres, instead of the fourteen millions he demanded, the negotiation had been broken off; and Charles had announced in a threatening tone that he would make matters up with his people. Now this was no longer in his power. The same deputies, everywhere re-elected, returned irritated by the efforts which had been made to exclude them, and by the expenses which travelling and their elections had occasioned them. The king had thought it advisable, at the period of the meeting of parliament, to send his brother into Scotland. He then addressed the two houses as a man recovered from his fears, but yet disposed to make important concessions, in order to put an end to existing disputes. He announced that he was willing to insure security to the religion of the church of England after his death, but that he would not permit them to deprive his brother of a sacred right. In taking this tone, Charles thought that he might reckon upon a majority in the upper house, and in the nation upon all who had rejoiced at his recovery. There was some basis for this hope in the hesitation manifested since the last parliament; but all de-

pended on what should be done in the present session by the party, long mixed up in the ranks of the opposition, but which had placed itself at its head in the crisis of the popish plot.

This party, misconceiving the nature of the aid lent to it by the recent public alarm, continued to march onward. It was predominant in the commons, whence all its attacks proceeded. In the first place, the majority of the lower house expressed its dissatisfaction that an entire year had elapsed since the last session. This led it to the affair of the petitions about the convocation. It declared that the *petitioners* had deserved well of their country; then, in order to prove that the *abhorrrers*, notwithstanding their number, were men suborned by the court, it appointed a special committee to prosecute, in the house and out of doors, all those who had defended the royal prerogative. A member of the commons, sir Thomas Withens, was expelled for having signed a counter petition. A complaint was drawn up against several lords of the court party, who had exerted themselves to increase the number of the *abhorrrer* signatures; the recorder of London, the afterwards infamous sir George Jeffreys, attacked for the same offence, concealed himself. In the provinces, in contempt of the Habeas corpus act, the agents of the committee imprisoned a number of abhorrrers, most of them wholly unconnected with the court, and known by their neighbours to be men incapable of being seduced by it. Accordingly, the first of them who resisted, an inhabitant of Exeter, had all moderate men with him; there was a general outcry against tyranny, and the committee desisted from its prosecution of the abhorrrers.

The lower house fell back upon the popish plot, renewed its declaration as to its enduring existence, and expelled two members who had ventured to speak of it as an absurd fiction, and to say that, on the contrary, there was a presbyterian plot. These members alluded to the denunciation of what was called the Meal Tub plot, a denunciation made some months before, by one Dangerfield, a man even less worthy of belief than Oates or Bedloe. He pretended that he had found in a tub of meal a series of letters written by presbyterians concerning a project to assassinate the king and exclude the reigning family. He produced these letters,



which the court affected to regard as authentic. The commons summoned Dangerfield to their bar; he, determined to make his fortune out of one party or the other, and finding that he had been too hasty in his choice, declared that he had been paid by the court to fabricate the letters alleged to be presbyterian, and that he knew things which would confirm what Oates, Bedloe, and the other informers had deposed. Dangerfield was applauded by the commons, who, mingling contempt with audacity, recommended him to the king as a faithful subject, worthy of his favours. They also prayed him to think of doctor Tongue for one of the first ecclesiastical dignities that should fall vacant.

The bill of exclusion was again brought forward, and gave rise to a discussion, in which much learning and talent were displayed on either side, but which was more especially remarkable for the almost republican profession of faith into which the partisans of exclusion allowed themselves to be led by their adversaries.

The former, by a great majority, had passed the bill, which was drawn up in violent language, and fortified by two additional articles, one enacting that the act should be read twice a year to the people in the churches; the other, that any interposition in favour of the rights of the duke of York should be high treason. The opponents of the bill, hitherto impatiently listened to, demanded that it should be expressly specified that, the duke being excluded, his daughters alone could be called to reign in his stead. The excluders rejected the objection as futile, it being well understood, they said, that, the duke once considered as dead, his children would naturally succeed him. The others pressed them at least to notify this explanation; but they would not. This gave reason to suppose that they intended to discard not only the duke, but his family also, and that they were labouring for the duke of Monmouth, or, more generally, for a republic. This last effort of the opponents of the bill in the lower house, by exhibiting its true character, was not thrown away; the upper house threw out the bill on the first reading.

The commons revenged themselves by refusing to vote pressing subsidies, a plan which had so often answered their purpose; but as to this refusal they joined a vote, declaring illegal any anticipation of any branch of the revenue what-



ever, and making it high treason to advance money to the king upon subsidies which might thereafter be granted, the measure assumed an appearance of injustice. Many gave this new act of violence an interpretation alarming to those who did not desire to subvert the reigning family. "To deprive the king," said they, "even of the resources which he has always procured in similar cases on his own credit, is to attempt to take him by famine." However, as the king was surrounded by necessitous courtiers, who urged him to do anything to obtain subsidies, and represented to him that his father had succumbed for want of a few thousand pounds, he consented to a new plan of conciliation, upon which the ministers had several conferences with the leaders of the opposition, and which consisted in keeping the duke at least five hundred miles from England so long as the king lived, and to admit him to the succession with the limitations already proposed. Essex, in the name of the opposition peers, demanded that the king should place in the custody of an association, formed to guarantee the limitation, several fortresses, which so alarmed the king that he would listen no further to a compromise.

While this was secretly in agitation, the lords, in order to prove that their conduct in the affair of the bill of exclusion did not arise from any partiality for popery, disgraced themselves by the prosecution of the venerable ~~earl of~~ Stafford, the last victim of the impostures of Oates. Fifty votes to thirty carried, amid the applause of the commons, a condemnation to death, in which there was neither justice nor passion. The bishops, the lords, who were again drawing round the king, the king himself, desired, by sacrificing upon the most palpably false accusations one of the oldest royalists in England, to prove their aversion for popery, and to make their court to the nation and to the commons. The people of London repudiated the share of enthusiasm which it was desired to communicate to them upon the occasion of this vile deed. When the old ~~earl~~ <sup>lord</sup>, about to yield his white head to the axe of the executioner, protested, in an affecting tone, that he died innocent, there was a universal cry: "We believe you, my lord, we believe you; Heaven bless you!" and sobs interrupted their heart-rending farewell.

The blood of ~~the earl of~~ <sup>Lords</sup> Stafford was the last shed for the

(-A mistake. Sir Richard Baskerville, titular Bishop of Down, who (at the same time) was entitled for alleged sympathy with the Catholics, was put to death, Dec. 29th 1681.

popish plot. With the nation, the power of this phrenetic fiction had reached its term. The political party and the religious sect, whom the anti-popish outbreak had armed against royalty, ceasing to shield themselves behind an idea which was no longer dominant, and furnished only futile pretexts for their attacks, sought less and less to disguise the special views which tended to isolate them. The majority of the commons, blind to the apprehensions which it was diffusing around it, continued to labour at a new revolution. A proposition often made without success, when the members of the church of England had recourse to oppression in order to strengthen their position, that of uniting by compromise the two churches, the English and the presbyterian, was renewed, with the consent of the court, by its friends in the lower house. The presbyterians took no interest in the motion, as though they looked upon themselves as about to reign in their turn. They did not desire to have their present position accommodated to the severe laws of the nonconformists, but to have these laws readjusted to the preponderance which they regarded themselves as having now decidedly acquired. They accordingly carried a bill enacting that the laws against the nonconformists could only be put in force against papists, and should be of no avail as to protestant nonconformists. The lower house voted, by a large majority, the repeal of these laws, made by a church-of-England parliament, and under cover of which was effected the regeneration of a national opposition.

Charles II. calmly observed these attacks upon the religion of the state, and saw clearly enough that their inevitable effect would be to bring him back numerous partisans. He systematically limited his resistance to the attacks of the dominant party to the interests of his royal prerogative, and sent message upon message for a subsidy. The danger which threatened Tangier was put forward as a pretext, futile enough for this urgent pertinacity; and the commons answered: It is better for Tangier to fall into the hands of the king of Fez, than that it serve to discipline papist troops. The grandson of the famous Hampden went so far as to say: "The duke of York is admiral of Tangier, and therefore we prefer that Tangier be abandoned." The refusals of Louis XIV.



were less humiliating than this; Charles preferred again to expose himself to them, and dissolved parliament.

Shortly before this new dissolution, a member of the commons, named Leveson Gower, had ventured to propose the anticipating him, by inviting the house to separate of itself. "I move," said he, "that we withdraw; let us return to our counties; let us make the people acquainted with the manner in which their representatives are treated. Our cause is theirs; they will maintain it by the sword, and we will show the duke that we defy him and his papists." The duke was then in Scotland; he also would willingly have referred to the chance of arms the question of his right to the throne, ill defended, according to him, by the ever doubtful friendship of the king his brother; he earnestly desired civil war, hoping everything from the military renown which he founded on a few flattering phrases from Turenne, and upon the testimony given to his prowess by the old cavaliers. After the dissolution of parliament, he wrote to Charles: "The moment is come to be truly king or to perish; no more parliaments; it is to France you must have recourse for subsidies."

Charles consented that his brother should negotiate with Louis XIV., and he himself set to work; but neither of them succeeded. During these futile intrigues, the press hurled a storm of abusive pamphlets against the court. The king desired to proceed with severity against the printers and authors; he had several of them tried, but the jurors, drawn from among the whigs, acquitted them, with the exception of an Irishman, named Fitzharris. This man confessed himself the author of a publication in which the king and the duke of York were attacked with such violence, that it seemed as though its real aim was to render the excluders odious. Fitzharris, seeing that they were disposed to treat him severely, did not hesitate to say that the book had been, in fact, commanded by the court; he represented himself as one of the instruments of the papists, and gave a new version of the famous plot, which he concluded by declaring that the duke of York had been acquainted with all the various projects, from that of the burning of London to the plot against the life of the king, and that he was concerned in the death of Godfrey.

The king, despite the vehement remonstrances of the



duke's enemies, sent Fitzharris to the Tower; his object was to suppress the affair, decided as he was upon incurring the risk of a new general election. The last session had taught him that his fears as to the revolutionary tendency of the commons were now shared by the upper house. He thought also that by removing the new parliament from the influence of London, he should greatly diminish the audacity of the commons. He accordingly summoned the houses to Oxford. The elections returned in a majority the partisans of exclusion. London, in re-electing its late representatives, thanked them for the conduct they had observed in the affair of the papists, and of the bill of exclusion. A petition, signed by the duke of Monmouth and by fifteen peers, now agitated the public mind, by protesting against the ordinance which summoned the houses to Oxford. It was in every one's mouth, exaggerating the fears expressed in this petition, that the court was collecting the members at Oxford in order to have them assassinated by the papists and the soldiers of the guard. Several thousand citizens, excited by this idea, followed their deputies to Oxford; they were armed, and on their hats bore ribbons, with the menacing device: *No slavery! No popery!* The king, on his side, arrived with a numerous guard, which, by its strict discipline, presented a striking contrast with the tumultuous concourse of electors and people of all classes, who had flocked thither, says an historian, less as to a regular meeting of parliament than to a Polish diet.

The king opened the session by renewing the protestations of his attachment to religion and to the constitution of the state. He recapitulated all he had done in the past three years, to satisfy those who seemed to suspect his intentions. He took the whole universe to witness that he had neglected nothing to maintain the public safety, and this so prompt convocation of parliament was, he said, a new proof of the religious care he applied to the fulfilment of his obligations. There was in his words a solemnity, a tone of conviction, wholly unusual with him, and which seemed to announce that in his opinion some great event was about to be accomplished. The commons received this grave discourse as a menace, and replied that peace with them was impossible, unless upon the acceptance of the bill of exclusion; they alleged, as necessarily strengthening their perseverance, the new depositions made

by Fitzharris, against whom they constituted themselves plaintiffs, and demanded that he should be brought to trial before the upper house. The majority of the lords, considering that it would be inconvenient or dangerous to give much notoriety to the proceedings of a man determined to defend himself by such daring inculpations, would not try Fitzharris. The refusal of the lords was treated by the commons as a denial of justice. They declared a traitor to the public liberties any one who should concur in trying Fitzharris by any other court than the house of lords. The incitements to civil war, which had terminated the last session, were again heard, and were this time so much the more dangerous, that the royal troops on the one hand, menacing despite their strict discipline, and the most inveterate enemies of arbitrary power and of popery, on the other, were now in presence of each other, and, as it were, in the lists. Oxford, crowded with the numerous adherents of the commons, and of the minority of the lords, became the arena of scenes which might easily be followed by a general conflagration. In the danger, the king had himself carried to the upper house, alone in his chair, with the crown in a basket between his legs; he hastily put on the royal robes, summoned the commons, dissolved parliament, and immediately quitted Oxford, followed by his guards. *(He walked back to London.)*

That which passed with the throng of men who had hastened to attend the debates at Oxford, and, as they said, to protect their representatives against the poniard of the papists and of the satellites of the court, showed the king that he had gained a signal victory. Lords, commons, citizens, quitted Oxford with such precipitation, that in a few hours the city, of late so agitated and so noisy, became silent and solitary. Those who had set out from London with so threatening an air, and apparently so determined to use their weapons, returned thither cautious and crest-fallen. It was thus with all those who, having surpassed their fellows in professions of courage and fierce animosity, had given way at the moment of surprise caused by the sudden resolution of the king, and in abandoning the cause of parliament had not even thought of protesting. All the shiftings of public opinion with regard to the party whom the popish plot had rendered so formidable to the counter-revolution, became fixed from the moment

it was proved that the force of that party was not in proportion with its pretensions. It had compromised resistance by taking, in the name of all, the offensive. It had treated as enemies those who, from reason or from personal calculation, had separated from it, and even in the eyes of those who, at a distance, had followed it, disposed to profit by the victory, had it gained one, its temerities became crimes.



## CHAPTER II.

## ROYALIST REACTION.

(-1681-1684.)

Effects of the declaration of Oxford—General outbreak of the catholics, the royalists, the members of the church of England, and the commercial population against the whigs—The duke of York in favour—Direction given by him to the reaction in Scotland—He solicits and obtains permission to return to England—His influence in the council—Affair of the sheriffs of London—Attacks on the charters of the towns and corporations—Prosecutions of the excluders and the whigs throughout the kingdom—Persecutions of the presbyterians in Scotland—Conspiracy of the whigs of England and the presbyterians of Scotland—Discovery of the conspiracy—Trials and death of the chief conspirators—Indifference of the nation—Results of the Anglo-Scottish plot favourable to the court, especially to the duke of York, and the papists.

THE dissolution of the parliament of Oxford was promptly followed by a manifesto addressed to the nation by the king. Taking credit to himself for all the moderation, throwing all the fault upon the parliament, he gave an account to England of what had passed: "We offered to concur in any remedies that could be proposed for the security of the protestant religion, and to preserve the liberty and property of our subjects at home, and to supporting our neighbours and allies abroad, to all which we have met with most unsuitable returns from the house of commons. But for all this, we are resolved, by the blessing of God, to have frequent parliaments, and both in and out of parliament to use our utmost efforts to extirpate popery, and to redress all the grievances of our good subjects, and in all things to govern according to the laws of the kingdom." The effect produced by this manifesto is one of the

gravest subjects for meditation presented by this history. The violent rupture of Oxford all at once turned to the profit of the court. Without intrigues, without a struggle, from a simple displacing of those immense forces which the exclusion party had not been able to conduct to the point of civil war, royalty, just before about to succumb, again became all-powerful, and its adversaries lost even their existence as a party. Every class of interests, all shades of opinion, united in the desire to avert civil war, to put an end to a state of agitation which must lead to it, accepted the new promises of the king, if not as a guarantee for liberty, at least as so much time gained. All those who from principle, passion, or interest, did not allow themselves to be led away by this general movement, were fain to conceal themselves or remain silent; the only class which adhered to them being the lowest ranks of the populace.

The high clergy had been threatened as well as the court; it looked upon this victory as its own; it had the king's manifesto read to the people in all the churches, and declaimed from the pulpits against those who, under the pretext of combating popery, had desired to bring back the revolutionary regime. Addresses in reply to the declaration came from all parts of the kingdom: the grand juries, the quarter-sessions, cities, boroughs, corporations, hastened to declare their adhesion to the great change which had just taken place. Some of the addresses confined themselves to the expression of their confidence in the good intentions of the king, others congratulated him on his frank reconciliation with the church of England; but the majority were a condemnation of the principles upon which it had been attempted to exclude the duke of York; some of the most energetic denounced the acts of the two last parliaments as rebellion; some went so far as to demand that the penal laws should be put in force against the nonconforming protestants; the addresses of the old cavalier party were either ridiculous rhodomontade, or an apology for all that the royal government had done against the principles of the revolution. Most of the citizens who presented their addresses were made knights. They gave one another banquets, at which they drank with vehement enthusiasm the health of the king and the duke of

York; as to popery, there was now no more said about it, than though it had never inspired a fear in England.

The counter-revolution was thus almost again at its starting point, armed with the same forces which the church of England and the interests of the middle classes had given it in the early years of Clarendon's ministry. We shall see it again rapidly traverse all the phases it had slowly gone through between that ministry and the popish plot, which had almost overwhelmed it. The last parliament of Westminster had not been able to repeal the laws against the nonconforming protestants; these were again put in force; first, in the country: in London, the persecution was not then begun, because the sheriffs, nominated in place of Bethell and Cornish, at the end of 1680, that is to say, before the dissolution of the parliament of Oxford, were whigs; with them the London magistrates (and jurors) were whigs also. Fitzharris, however, no longer supported by the commons, was condemned by an ordinary court. He would willingly have retracted his first depositions, but he was so evidently the author of the book, and attacks upon the royal family had become so great a crime, that the judges dared not acquit him; he was executed. The other informers were more successful in adopting the change which had taken place, and now talked of revolutionary plots. Dugdale and Tuberville, two of the witnesses who had caused the condemnation of the venerable Stafford, declared that a plot had been formed at Oxford by the excluders against the life of the king, and that a joiner, named College, was one of the conspirators. This College, indeed, was one of those who had escorted the London members to Oxford, and had exhibited peculiar exasperation against the king, the duke of York, and the papists; but beyond this nothing was alleged against him which was not manifestly false. The grand jury, composed of whigs, ignored the indictment. The court was very angry at this, but as Oxford was the place where the conspiracy, as they said, had been planned, there was a law which allowed the accused to be again taken before a jury in that city, which was accordingly done. The Oxford jury received the depositions of Dugdale and Tuberville, and resting on the frightful precedents created by the late parliaments and the courts of London in their

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iniquitous proceedings against the papists, condemned College, who died with great firmness. Other depositions gave a pretext for arresting Shaftesbury; the closest search, however, made in his house, furnished no other evidence than a written project of an association against the duke of York, and even this was not in the earl's own hand; the grand jury, as in the case of College, ignored the indictment. Shaftesbury quitted the Tower amid the rejoicings of the people, to whom his turbulence endeared him.

This second declaration of *ignoramus* by the grand jury, showed the victorious party that until the expiration of the term of the then sheriffs, magistrates, and jurors of the whig party, it would be impossible to take any effectual steps in London; the remainder of the year 1681 was in England, therefore, employed in preparing acts of vengeance for the time when these obstacles should no longer present themselves. In Scotland, meanwhile, the duke of York, invested with full power, secretly resumed the work of the counter-revolution, as he conceived it, so as to act at once upon both kingdoms. Succeeding the duke of Monmouth, who was universally beloved, he was anxious to exhibit as a statesman that capacity which he thought he had given sufficient proof of as a general and as a naval commander. In assuming the direction of the affairs of Scotland, he at first affected moderation; but at a very early period an occasion presented itself for displaying severity; he was then pitiless. A few hundred presbyterians, under the conduct of two ministers, Cameron and Cargill, having taken arms and declared that they would acknowledge neither the king nor the bishops, he sent the troops against them. The insurgents, who called themselves Cargillites and Cameronians, were beaten, and a great number of them killed; the prisoners, taken to Edinburgh, were tortured and put to death. The duke was present at the executions, which he witnessed with an unmoved countenance, and as though they were curious experiments. The news of the dissolution of parliament reached him in the midst of these scenes. He was overjoyed; he addressed the warmest congratulations to his brother, recommending him to distrust those who should wish him to assemble a new parliament in England, and asked his authority to convoke one in Scotland. He should be able, he said, to manage it

thoroughly, and by it get rid legally of all that the factious parliaments of England had done.

Charles approved of this idea, and the duke convoked the parliament of Scotland, proposing to appear there as commissioner for his brother. The Scottish parliament was not composed, like that of England, of two chambers, but of one only, in which the bishops sat with the lords and the commons. Here the dangerous tumult of general discussions was unknown. The various questions were discussed by a committee called *the lords of the articles*, composed of eight spiritual lords, eight temporal lords, and eight members of the commons, nominated by the sixteen members of the two first orders; the remainder of the assembly merely sanctioned or rejected the decisions of this high committee. Lauderdale, during his horrible tyranny, had always the lords of the articles at his disposal, because in that country the episcopal religion, ever in a state of hostility against an entirely presbyterian national majority, had remained what the English church had been in England during the early years of the restoration, and what it had again become by the event of Oxford, that is to say, a blind instrument of the passions of royalty. *(it was "episcopal" in name only - and not liturgical at all.)*

The duke was reasonably assured of being able to direct the lords of the articles at his will. Still there were in that committee powerful men, of high character, rather English than Scottish in their opinions, and whose destruction, at whatever cost, entered into his plans: the duke of Hamilton, and the earl of Argyle, son of him who died on the scaffold, shortly after the restoration, were especially odious to him, because, as he said, they were too wealthy for subjects. These two noblemen were not ignorant how dangerous their wealth was to them at this juncture. They accordingly conducted themselves in the manner which seemed best calculated to overcome the envious reserve with which the duke treated them. They opposed those who disputed his right, as a papist, to fulfil the functions of the king's commissioner; he mistook this complaisance for fear, and in his opening speech to parliament, it was well understood that he pointed to these noblemen when he demanded the condemnation of the perverse and impious doctrines professed by certain men, especially with regard to the royal prerogative, and

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the rights of the crown in the legitimate and natural lineage of the king.

The parliament answered this appeal of the heir-presumptive by declaring inviolable the right of succession to the crown in the direct line, and any one guilty of high treason who should propose to assail it on the pretext of the private religion of the legitimate heir. During this deliberation, the duke kept his eyes upon lords Argyle and Hamilton, who studiously comported themselves in a manner calculated to satisfy him as to their sentiments with respect to him; but still he desired to put them and all his enemies to a further proof. To the church of England test already existing, and which every man in Scotland had been obliged to take under Lauderdale, the duke proposed to add that every one who sought to attain any office in church or state, must be an elector, or qualified as such, or a member of parliament; must engage upon oath thenceforward never to take part in any resistance, of what nature soever; to defend all the prerogatives of the crown; never, without the permission of the king, to take part in any deliberation upon ecclesiastical or civil affairs; lastly, never to seek any reform in church or state. Thus all resistance was fettered in anticipation; never had tyranny been at such little pains to disguise its intentions. Nor was this all: the duke ventured to propose as a special clause in this new church-of-England test, that the members of the royal family alone should be exempt from taking it.

Here the earl of Argyle broke out: he said plainly, that the greatest danger from popery, in his opinion, was, that a prince of the royal family should allow himself to be drawn into it, and that it were better to have no test at all than one like this. The bill passed, but when Argyle had to take the oath, he added: "saving the right that every good protestant and faithful subject has to propose, according to his conscience, beneficial reform in church or state;" he was asked to add in writing this reservation to the oath he had taken; he did so; it was an odious trap: he had scarcely signed his name, when he was arrested on a charge of high treason. Brought before a special commission, he was condemned to death. The dismal preparations for his execution were far advanced, when his daughter effected his escape; he reached London; a price was put upon his head; an order from the king com-



manded him to be seized wherever he should be found; he was fortunate enough to remain undiscovered. His fortune was confiscated; a small portion was reserved for his family; the rest was distributed, says the duke of York, as a trifling compensation, among those whom the father of the earl had ruined because of their fidelity to his majesty. Under this pretence of restitution, the treasury did not fail to appropriate to itself a considerable part of the forfeiture. *(Which - I think - was before the hand of the duke)*

Despite the terrible example made of the earl of Argyle, more than eighty ministers in the town of Edinburgh alone refused to submit to the test; they were expelled from their livings, and went into England, where things were not in such an extreme state. All the leading inhabitants of the provinces were called upon to take the new oath. They did so, but slowly. The order issued directed each person should be made sure of separately. This was an operation which required time and incessant violence. The duke, impatient to return to England, did not propose himself to follow it out in detail. The completion of a task which he had so successfully commenced, he intrusted to two men with whom he proposed to leave the government of Scotland, the duke of Queensbury and the earl of Aberdeen. For a long time past, he had been intreating his brother to recal him. His letters, incessantly cited Scotland, brought in a few months to an unexampled state of tranquillity; they urged, with a dull and wearisome complacency, the necessity of imitating, in England, the system which was becoming established in Scotland, and this, according to the duke, required his presence in the council. It was now the close of the year 1681, the period for securing sheriffs, magistrates, and jurors devoted to the court. Hyde, *son of the* become earl of Rochester, assured the king that the duke of York would be very useful; the other ministers thought that there was no longer any danger to be feared from presenting him before his enemies. The king consented to his return; but, as though fearing to give himself a master, he almost simultaneously recalled to the ministry the earl of Sunderland *Sunderland* and the marquis of Halifax, who, in the question of the bill of exclusion, had declared against the duke of York.

The frigate *Gloucester*, which brought the duke to England, was wrecked upon a rock in the Yarmouth Roads. It had on board more than an hundred and twenty sailors and pas-

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 sengers, and among them some people of distinction; a boat was let down capable of saving half the number; the duke got into it alone, called colonel Churchill, his secret agent at the court of Louis XIV., then a few priests, and his dogs, two kinds of favourites, says an historian, from whom he never separated; this choice made, he departed. Whether from fear, or respect for etiquette, no one came forward to follow him. At the moment that he reached the shore, the ship disappeared with its whole crew, who sent forth loud cries; this, according to the duke, was for joy at seeing his person out of danger. His pride of birth saw nothing to lament in this incident; and whatever devotion he gives the victims credit for, he turns solely to his own glorification, as proving to what a degree he was beloved, despite the endeavours of his enemies to set men against him.

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 When the duke returned to London, the loyal addresses and complaints against the late parliaments recommenced; the court progressed too slowly to suit the reactionists: the clergy and the universities made themselves more peculiarly conspicuous by the indecent eagerness of their adulation to the court, their invectives against the defeated party. But the latter still existed, entrenched behind the *ignoramus* opposed by the whig grand juries to all indictments. It was probable that the election of the new sheriffs, even if it proceeded in the regular way, would be favourable to the court, the citizens desiring to please it. But the court chilled this disposition, by appearing to place little confidence in them. In order to be certain of the matter, it interfered in the election in virtue of a claim derived from the large domain of ancient customs. The lord mayor of London elected in the year 1681, under the influence of the new counter-revolutionary movement, and entirely guided by secretary Jenkins, who had played a part in the state since the affair of Oxford, demanded, as a privilege formerly attached to his office, the right of himself nominating one of the two sheriffs. He chose North, a rich merchant, who accepted the office so much the more eagerly, that he had but little chance of success by election. The city asserted its violated privileges, but with far less energy than it would have done in former times. It fell back upon the election of the second sheriff. The large majority desired to nominate a man whose influence

should counterbalance that of North, but among all the shades of opinion of which the old opposition, now broken up, was composed, circumstances rendered the choice difficult. The suffrages were so divided that it was a man named Rich, of no personal consideration, but patronized by the court, who received the majority. North and Rich were proclaimed. The people did not remain satisfied under their defeat; they murmured, and in order to instal the two new sheriffs, it was necessary to employ the armed force.

The counter-revolutionary party, become master of the courts of justice through the sheriffs, hastened to make trial of its new strength. At court, where principles of public liberty were now only referred to with horror, as if those principles were altogether new inventions, which no one remembered to have professed when the popular party was in power, men congratulated themselves that the scandal of the *ignoramus* was about to cease. The duke of York first had Pilkington, one of the late sheriffs, brought to trial: his alleged crime was having said that the duke of York was coming from Scotland to slaughter the patriots. Pilkington was condemned to pay the duke 100,000*l.* damages, that is to say, he was condemned to perpetual imprisonment. Sir Patience Ward, the lord mayor of the preceding year, having come forward as a witness in favour of Pilkington, was accused of perjury, and, with blind passion, condemned to an infamous punishment, which he would have undergone had he not made a timely escape.

At London and in the provinces, a multitude of prosecutions against obscure men, all stamped with the impress of the present reaction, occupied the courts of justice; accusations of nonconformity, or of language disrespectful to the king or the duke. Now, for four years past, all England so generally had spoken in that tone of the two princes, that it was difficult for the accused not to be denounced and judged by men guilty or even more so than themselves. Accordingly, the whole of these trials are the lasting shame of this epoch. The court itself despised these base proceedings, which served its purpose so well; it showed this clearly enough by the care which it took to make sure of the future: this intoxication of the public mind must have an end; before two years, the nation would perhaps again demand a parliament according



to the promise of the declaration of Oxford; the king of France, who, since April 1681, had been paying 1,500,000 livres a year, on condition that parliament should not be assembled, and that England should not interfere in the affairs of the continent, raised continual difficulties as to the mode and time of the payments: it was necessary, therefore, to provide against the contingency of being compelled to fulfil the promise given for the observance of the triennial bill.

Upon these considerations, the duke of York boasts of having counselled his brother to attack the validity of the charters of the boroughs and corporations of the kingdom. By resuming these charters, the king would, according to him, render it a legal impossibility for the nation to nominate whig members, and deprive it even of the desire of again seeing parliaments. Charles was not convinced that such would be the result of seizing the charters, but if, in rendering himself master of them, he could weaken them, and by them, thus modified at his own discretion and returned for a pecuniary consideration, influence future elections, this would satisfy him. Any corrupting measure that moreover brought him money, delighted him. Thrown, despite himself, into the system of coups-d'état, he did not reckon so entirely upon success as not, in any case, to contrive a retreat for himself. He might consent to grow old in the contest for constitutional royalty, but to meet contingencies he made a purse out of the public revenue, and out of his privy list, and out of the money sent from France; and it was not with the view of dying king that he put by this hoard unknown to any one.

The seizure of the charters was the most daring counter-revolutionary step that had yet been attempted; the royal concessions, in virtue of which the commons possessed these charters, dated back three and four centuries in the history of the progressive enfranchisement of the English nation, which had ever regarded them with an almost superstitious veneration; would it, blind as it was, be blind to this new attempt? The court, from the way in which it unmasked its pretensions, seemed to think so. It invited the cities, boroughs, and corporations, to give a new proof of their fidelity by renouncing their ancient charters. There was an

universal astonishment at this: men evinced neither indignation against the court, nor eagerness to comply with this extraordinary proposition; in short, they gave no answer at all.

The corporations constituted by the charters were bodies of citizens charged to watch over the interests of commerce, to administer the property of orphans, to manage charities, receive pious legacies, and direct works of embellishment and utility. In London, and in the great towns, the general interests of the corporations were directed by a common council, elected by all the citizens; this council had a great influence in the election of members of parliament and of the annual magistrates, for here political interests were merely the expression of the private interests represented by the various corporations. The court wished at once to destroy these directing councils, as being engines of insurrection, and to abolish corporate privileges, as placing the magistrates at the disposition of the people. To effect its object as quietly as possible, it first invited the councils to surrender the charters, and to come to an understanding with it respecting them; but the councils declared that they could do nothing without the authority of the corporations; that they had no more right to give up the charters deposited in their hands, than to dispose of the property confided to their administration. Their own fortunes were at stake in the matter, and other considerable pecuniary advantages, independent of that personal integrity which men do not sacrifice so readily as they do religious and political principles.

The court, unable to obtain these charters by persuasion, resolved to gain possession of them by force. The attorney-general, Sawyer, an intriguer without morality or talent, proceeded against the council of the city of London in the court of king's bench, for having exceeded its privileges in erecting itself into a political body and addressed to the king, upon two occasions, petitions against the papists; these were grievances anterior to the dissolution of the parliament of Oxford. Sawyer maintained that corporations were dissolved by the abuse of privileges committed by their representatives. Two celebrated barristers, Pollexfen and Treby, pleaded for the city. They asserted that if the council was really guilty of the transgressions imputed to it, the council should be punished and not the corporation; that the governed

were never responsible for the faults of their magistrates; that if the members of the council were really chargeable with seditious practices, they ought personally to be tried; that the corporation would dismiss them if they were found guilty. "But," added they, "is not this an absurd accusation? Can it be seriously meant to impute it as a crime to our clients that they simply expressed their feelings against popery, at a time when the king, the court, the houses of parliament, the courts of justice, all proclaimed the existence of a popish plot, and proceeded with rigour against the conspirators?"

1681. The court of king's bench, however, decided that corporations were responsible for the conduct of the officers nominated by it and for it; that these officers had exceeded the privileges of corporations; that these privileges having emanated from the crown, the crown had a right to withdraw them. This judgment produced deep discontent throughout London. There was no appeal against it. Still, in order to execute it, there was every probability that the employment of force would be necessary, and here the court hesitated. Enjoying, since the affair of Oxford, a series of favourable chances, it had as yet no soldiers, and its present ascendancy rested solely on the fears created in the minds of the rich by the spirit of the last three parliaments.

The forcible withdrawal of the charters was therefore postponed. It was thought sufficient for the time, to have obtained the decree of the judges of the king's bench. Meanwhile the inferior courts continued to prosecute the protestant nonconformists, now subjected to rigours which they seemed but too well to have provoked. Reduced to submission, they evinced a sort of menacing resignation; they remained silent. This gave reason to suppose that they meditated some secret vengeance, and according to the imprudent expression of the duke of York, *they were kept in play in order that they might have no time for carrying on their projects.*

The same system abandoned Scotland, and this again more peculiarly through the influence of the duke of York, to the barbarous inquisition of the church of England converters. No inhabitant of the country, young or old, rich or poor, noble, citizen, or peasant, was exempt from attendance in the churches to hear the sermons of the king's ministers. And



here began the decline of that presbyterian faith,—before so earnest, so confident in help from the Most High,—so revolutionary in its relations with the political order. Great numbers of those who allowed themselves to be driven to the churches, passed (at once) from those doctrines,—abandoned,—according to them, by Heaven,—to an indifference towards all religious forms; some even became atheists; still the resistance,—punished by imprisonment,—by fines,—by loss of the franchise,—was very extensive. There was nothing to be done but to submit, to rebel, or to quit Scotland. Many decided upon the latter course, but their resolution was tumultuous; they sent confidential agents to London to treat with the company which, by letters-patent,—had obtained the cession of Carolina. They desired to establish themselves in that country; there, said they, we shall live free and tranquil,—as men,—as Christians.

The agents concluded nothing that year, but meantime inspired the court with serious uneasiness by their language. Those in power, informed of what was passing between them and the company, took measures against the mass of the presbyterians, calculated to hasten and to extend the emigration. In the beginning of the year 1683, there appeared a royal proclamation, ordering the judges of the western and southern counties of Scotland to go a circuit, and institute proceedings against all who should have concealed rebels,—or who should have been at all connected with them, even though the said rebels had not been denounced in any edict or prosecution. Those who had had relations of friendship or hospitality with the enemies of the state, were to be prosecuted as traitors themselves. The inquiry was to be continued for three years; the derisive promise of a general pardon at the end of that time, put the finishing stroke to the despair of those whom love of country still attached to the land,—and whom religion forbade to remain there at the price of the sacrifices required by the test. Immediately on the commencement of the circuits of the judges, the same presbyterian envoys returned to London, and this time had conferences with the old chiefs of the national party defeated at Oxford; what they learned from these gave them new hopes.

The whigs had long been forming a conspiracy. This name, which then was used only to signify rebels, few men, since the affair of Oxford, had consented to bear, but these,

by their influence, their talents, their energy, were the *élite* of the defenders of that cause which the citizen class had abandoned in a body. Discouraged at first by this desertion, they had retired into their families. There, keeping apart from politics, they watched the progress of affairs with deep sorrow. Not seeing that what was then passing was done by the nation, and not by the court; that they themselves had committed errors, and had given rise to alarms to which the cause of liberty had been sacrificed, they said amongst themselves, that the contract between the people and the king had been violently broken; that it was a duty of conscience for them to attempt the employment of force against force; that it was disgraceful for the nation which had overthrown Charles I., to put up with his two sons. But this all virtuous indignation was not enterprising: the ambition of the duke of Monmouth, and the passions of Shaftesbury, set it in motion. (*ab, ab.*)

Shaftesbury, quitting the Tower at the end of the year 1681, and exasperated to the highest degree by the danger he had incurred, long declaimed against the inaction of Essex, of Russell, and of all those who had supported with him the bill of exclusion in the three last parliaments. His reproaches, which became more violent during the fermentation created by the affair of the sheriffs of London, in the commencement of 1682, decided several of those whom his complaints were directed against, upon having a conference with him on public affairs. A meeting was appointed in the house of a wholesale wine-merchant, named Shepherd. Shaftesbury did not attend; he sent in his place Rumsey and Fergusson, two of those restless men who had served him as emissaries in the affair of the petitions and in all the tumults of the popish plot and the bill of exclusion. Rumsey and Fergusson, on the appearance of lords Essex, Grey, and Russell, somewhat disconcerted by the presence of three such exalted personages, began the conference with Armstrong, an ex-captain of the guards, brought by lord Grey. Rumsey said that it would be easy to raise the guards. Armstrong, who had commanded them, treated any attempt of that kind as mere madness, and nothing further was said on either side. Shortly afterwards Shaftesbury and lords Essex and Salisbury, met for a fresh conference. Shaftesbury quitted it in a perfect fury at

being unable to bring the others over to his plan of insurrection, and almost immediately left England. *(and died in Holland next year. 22<sup>nd</sup> 1688)*

Shaftesbury's object then, as it had been ever since his rupture with the court, was to overthrow the duke of York and the king, and to crown the duke of Monmouth. Now, upon this point, the patriot chiefs no more agreed with him than they did as to the time and the mode of insurrection. It was, therefore, not until after the departure of Shaftesbury that the conspiracy assumed a determinate character. The duke of Monmouth, having lost his dangerous counsellor, connected himself more particularly with lord Essex. This nobleman, in the end, became convinced that the friends of liberty could not do better than, availing themselves of the name of the duke and his popularity in Scotland and in England, to assert his claim to the crown. He brought lord Russell over to this opinion, who, in his turn, undertook to secure Algernon Sidney. Sidney, who, throughout a long and virtuous career, had had the rare advantage of supporting the revolution to the last, and of keeping wholly apart from the condemnation of Charles I.; of resisting Cromwell, and of comprehending that the revolution still lived, even under his dictatorship; of holding office under the restoration, and of preserving his republican opinions, not secret, but declared and known to all the world, — long resisted Russell's intreaties; he thought little of the duke of Monmouth, and was far more hostile to royalty than to Charles II., or to the duke of York personally. "What matters it to me," said he, "whether a king of England call himself James of York, or James of Monmouth." But Russell representing to him that his republican conception was that of a very weak minority, that there was an invincible prejudice in England against a republic:—"Well, be it so," said he, "since we must submit to royalty, 'tis better to have a king whose rights are equivocal; he will be more considerate towards liberty." From that moment Sidney ranked among the friends of Monmouth. He, in his turn, enlisted lord Howard, a man unworthy of his friendship, but who had gained it by assuming opinions similar to his own. Lord Grey, and Hampden, grandson of the celebrated patriot, entered last into the association.

It was while it was forming, that in England the attack upon the charters took place, and in Scotland those acts of



tyranny which brought the agents of the presbyterian emigrants to London. On the first visit of the latter, their reports as to the position of Scotland directed the hopes of the conspirators to that quarter. They met more frequently; but, fearful of taking too decided measures, they came to no determination. When the royal proclamation of 1683 compelled the presbyterians to a prompt decision, their agents, as has been mentioned, returned to London. It was then that, informed of what was going on, they abandoned their project of expatriation to enter into the plot. Their co-operation influenced the resolution that the operations should be conducted in Scotland for the present, and that the earl of Argyle should be furnished with arms and vessels to make a descent upon the west of that kingdom. Argyle was then a refugee in Holland: the money which was to defray the expenses of his expedition was not forthcoming, and things languished.

Meanwhile, by the side of this conspiracy of the lords, all of them, with one exception, animated by patriotic views, but irresolute and more confident in their cause than in their means, another conspiracy was formed, which sought to strike a more decisive blow by the hand of lower agents. It was the work of the subordinate friends of Shaftesbury. They assembled in London, at the house of one West, who had a private press incessantly engaged in the production of pamphlets against the court. Here met Rumsey and Fergusson, the same who had conferred with lord Russell at Shepherd's; Goodenough, who had been under-sheriff of London, under Cornish and Bethell; one Halloway, of Bristol, which city he boasted he could raise; an Irish gentleman, named Walcot, and some old officers of Cromwell's army. The duke of Monmouth was not ignorant of the existence of this society, which also discussed the means of making him king; but Howard was the only one of his friends whose habits permitted his frequenting West's house. The conspirators ridiculed the tardiness of their superior plotters, and the poverty of their proposed means. It was plainly said, that nothing could be more simple than to make way for the duke of Monmouth; that all that was necessary was to shoot the king and the duke of York, a design which could readily be effected by a dozen determined and well-mounted men. The ex-officers mentioned a farm, called the Rye House, on

the road to Newmarket, which the princes would pass, as well adapted for a nocturnal ambuscade. The conspirators grew excited as the officers explained how they would distribute their people so as to terrify the escort, cut off all retreat, approach the carriage, and disappear, after having killed the duke and the king. *(and so made room for Channon, Charles's son.)*

There was, however, a long distance between this plan and its execution; and even supposing that it had not exceeded the courage of the men, chance, and more than chance, extreme caution, were required for its success. The contrary occurred. That year, a fire which took place at Newmarket obliged the princes to return to London much sooner than usual; and Keeling, one of the emissaries who, from West's house, had spread themselves through the taverns and streets of London, discovered all. Hearing that they were betrayed, West's friends dispersed. West and Rumsey took a more prudent course; instead of flying, they concerted between them a version of the plot, which their perfect agreement was to pass off as the only true one if they should be arrested. Meanwhile, Keeling's statement had gone abroad. It was the outline of the plot, filled up with all that a man, intent upon making his fortune by his treachery, could invent. Rumsey and West, having surrendered themselves, confirmed it, with certain restrictions as to points which it was important for them to conceal, and, in their turn, ran riot as to that part of the plot, of which they said they had disapproved—the assassination of the king at the Rye House. In their desire to demonstrate the infallibility of the military arrangements constituting the plan of attack, formed, according to them, by Cromwell's ex-officers, they rendered incredible in the judgment of all honest men, that which had otherwise caused universal horror; yet men designated as a miracle from Heaven that fire at Newmarket, which, by bringing the king unexpectedly back to London, had disconcerted the plans of the conspirators.

When he had told all that he and West had agreed upon, with reference to the Rye House plot, Rumsey related what Shaftesbury (or lord Howard) had told him about Russell, Essex, Sidney, and their friends. He denounced the interview which the Scottish presbyterians had had in London with these lords, and his meeting with Russell at Shepherd's house.

*(in the spring of 1682.)*

*i.e.  
people  
of the  
time*

*reported  
in the  
time*

Russell was at once warned of his danger: he was implored to fly, and he could have done so; but he would not run the risk of compromising his friends by availing himself of the opportunity. The king himself interrogated him. He showed neither fear nor haughtiness; he acknowledged having been at Shepherd's house on the day named, and having met there an individual who might have been Rumsey,—but distinctly denied that a single word about public affairs was said in his presence. Sidney was arrested next, and also appeared before the council. He infused into his answers somewhat more of that acerbity which was natural to him. As nothing was known with regard to him,—they sought, by threatening or vexatious questions,—to get a confession from him. He told them plainly that he saw what they were aiming at; that if they could set up any charge against him, he would answer it as best he might, but that,—meantime,—he would not furnish them with weapons against himself. After Sidney, Baillie, one of the Scottish agents, was interrogated by the king and by the duke of York. He was a man of rare vigour of mind, and a readiness of repartee which neither place nor circumstance could suppress. He answered the harsh interrogations of the king and his brother with a bitter disdain and a happy appositiveness,—which put them both into a fury. He was loaded with chains,—iron boots were put upon his legs,—and he was thus sent to Scotland. The duke of Monmouth concealed himself, despite the assurances sent to him by the king through the duchess. Lord Grey,—also denounced by Rumsey,—was arrested and taken to the Tower, but contrived to escape.

With the exception of the meeting at Shepherd's, and some vague information which had not failed to reach even the subordinate conspirators, there was nothing, so far, which directly inculpated the noblemen confined in the Tower: but Howard was arrested. He was the only noble conspirator who had participated in the sentiments and intentions of the Rye House plotters. He was base enough to tell all he knew; and, moreover, displeased that, for some time past, those who might be called his accomplices had manifested distrust of him, he declared that there existed a council of six persons, who for a year past had been preparing an insurrection in Scotland; that agents had come from that country, whose statements the council had sent men to verify on the spot; that he

(*Six persons: namely,  
Monmouth, Russell, Essex, Howard, Sydney & Hampden.*)



himself had for some time been a member of this council, the other members being Sidney, - Essex, - Russell, - Grey, - and Hampden. The disclosures of Howard, notwithstanding his notorious immorality, left little doubt as to the reality of the plot; and the two affairs, to the great advantage of the court, were mixed up together in public opinion. Hampden was arrested, - and refused to give any answer. Lord Essex, - who might have fled, chose, like Russell, to incur the consequences rather than to manifest fear of them; but he was scarce in the Tower, than he was overwhelmed with an access of profound melancholy, and, finding life insupportable, he desired to hasten its termination by confessing all that concerned himself personally. His wife induced him to remain silent, but she could not save him from a weakness almost as great: he committed suicide on the morning of the day when Russell's trial commenced. *(or was murdered by a warder on the King's interest.)*

This was an argument of which the prosecutors availed themselves. The jury was composed of citizens of London, - not landed proprietors, - which was contrary to the distinct provisions of the law. Russell challenged it, - but in vain. *i.e. in the way*  
The witnesses brought against him were the wine merchant Shepherd, - Rumsey, - and lord Howard. Shepherd falsely deposed that Russell had been twice at his house; but it was clear he had been there once. Rumsey falsely deposed that he had proposed to Russell to gain over the guards; he had made this proposition to Armstrong; but, - so far, it did not seem probable that Russell, - present at the discussion, - should have heard nothing of the matter. Lastly, Howard declared that Russell had several times attended with him the council of six. The witnesses for the defence knew nothing of the affair, but declared that they did not believe Russell capable of entering into so dark a conspiracy. The court rejected these futile depositions. Russell was to make the sacrifice of his life. Had he not had for fellow-prisoners men who were dear to him, - he could at once have confounded his accusers by telling the exact truth, - and this would have sufficed to destroy him; but for the sake of his friends, - less compromised than himself, - he consented to defend himself by the subtleties of the law. *as he was by no means convicted.* Death was pronounced against him. *(i.e. he was convicted.)*

A few days were given him to prepare to die. He employed them in devotion and in pious meditations. His mind was

perfectly serene; he manifested this by many felicitous expressions. He regulated all his affairs with the world; the most important being his reputation, he wrote an account of his conduct and principles; he avowed no participation in the plot, but declared himself a partisan of the right of insurrection, and explained his views in language not offensive to the court. On his way to the scaffold, he was received variously with imprecations and with expressions of kindness. His head had no sooner fallen, than his last writing rapidly spread through London, sought for, however, rather from a vivid curiosity than from sympathy. Russell might have known that they who, from love of repose, had rallied round the court after the event of Oxford, would not pardon him for endangering that repose by conspiring against the power which their weakness had restored. The apology of Russell was responded to as the declaration of Oxford had been. Infinite addresses arrived, denouncing the doctrine of the right of insurrection, congratulating the king on having escaped the snares of the wicked, and demanding the prompt chastisement of the other conspirators.

Nothing more fortunate than this plot could have occurred for the court; by its acts of violence it had been on the point of driving the nation back into the still sure paths of Anglican opposition; but now it preserved its ascendancy; its arbitrary acts, in the eyes of the mass, were authorized by the danger which it had incurred; a danger which it exaggerated, as maintaining in its hands a dictatorship which was regarded as salutary. Allowing itself to be carried away, — says an historian, — by the reflux of the passions which had created the popish plot, it largely enjoyed the satisfaction of revenging itself upon enemies whom in reality it did not consider at all formidable: three of the accomplices of West were condemned and executed; the trials of those not in custody were proceeded with, as well as of those actually in prison, and false witnesses were sought out, so that none might escape. One of the judges who laboured for the court was that Jeffreys who, at the time of the persecution of the abhorrrers by the exclusion parliament, had been obliged to conceal himself in London. He made himself conspicuous by the shameless perversion with which he interpreted the laws and the evidence against the accused, and by a sort of

1681-  
*he was made Recorder of London soon after beginning to practice in 1666. (then aged but 26) — was afterwards Welsh judge, and (since 1680) Chief Justice of Chester — being, now, therefore about 44 years of age. He was made a baronet in 1681, but was not a peer till the accession of James II.)*



presence of mind which ever met the soundest arguments of reason with one of the sophisms of power. It rarely happened that he was not half intoxicated when he took his seat on the bench, and then his zeal exhaled in coarse sarcasms, - which told excellently well at court. He was nominated chief justice for the trial of Sidney, - and there *in 1683* were associated with him three men and a jury, - all exactly fitted to act under him.

Russell had been tried by honourable men; against him there were sufficiently strong proofs; but Howard alone accused Sidney; it was necessary to invent and give effect to some other evidence. They at first relied upon the facility with which Sidney lost his temper, and hoped that, in the presence of such judges, he would give way to his indignation and inculcate himself; but this did not happen. Sidney appeared; his countenance was firm and reserved; he commenced by challenging the jury; Jeffreys violently interrupted him, saying, that this had been decided in the case of Russell. There was something so monstrous in the brutality of this man, that Sidney was astounded, and made no reply. Howard presented himself, and with incredible audacity introduced pleasantries into his depositions against the man whom he had so foully deceived. After he had spoken, Jeffreys presented to the court, as the other evidence, a manuscript found among Sidney's papers; it was a severe criticism upon a contemptible book lately sent forth, which carried back to the first man, in order of primogeniture, the absolute right of kings over their subjects. There was well reason to be astonished that a superior mind should have seriously occupied itself with the refutation of such a doctrine; but Jeffreys viewed the manuscript as a condemnatory exposition of Sidney's principles with regard to the legitimacy of kings, and said that it was unnecessary to seek further for the second proof required by the law. In support of this view, he, with his customary volubility and assurance, sent forth such numberless absurdities, that Sidney, to avoid the infliction of having to instruct the court upon the most elementary principles of the law, did not attempt to combat Jeffreys' unprecedented dicta. It was evident that they were determined to have his head: he did not desire, so near a glorious death, to put his patience to so trying a test as that of



explaining the law to those who could not, or would not, understand it.

When the sheriffs came to inform him of his condemnation, he resumed the exercise of his lofty reason, and of his impressive eloquence. He now spoke to men who could hear him: "I lament not," said he, "the life I am about to lose, nor blame you for its loss; I regret it not; but why did they not kill me without a trial, since they were resolved to violate in my case all the forms which the law gives to the prisoner for his protection? I am sorry for yourselves," he added, after a brief silence; "for be assured that this death, to me so indifferent, will cry aloud to Heaven against you. I appeal to your own conscience: think you that you did your duty when you selected as the jury to hear me,—men so utterly ignorant,—so blindly devoted to the court?" One of the sheriffs wept.

Sidney prepared for death. His religious belief had always passed as coming no nearer than deism. He, however, sent for presbyterian ministers, and had several conversations with them. He also wrote an apology, much the same with the defence which he had not thought fit to pronounce before his judges. Not in a position to avow the existence of the council of six, for Hampden, the duke of Monmouth, and lord Grey, would have suffered from this declaration, he confined himself to invalidating the testimony of Howard; he asked how any one could believe that such a man as Howard would be admitted into a secret like that; a man who could not raise four foot soldiers, not having four shillings wherewith to pay them for a day? With regard to the manuscript found among his papers, he supported its principles, speaking of the divine right of kings with a refined mockery, and of the principles of public liberty with an all-convincing reason. The document concluded with the following prayer: "Though I fall a sacrifice to idols, suffer not idolatry to be established in this land. Bless thy people, and save them. Defend thy own cause. Defend those that defend it. Stir up such as are faint. Direct those that are willing. Confirm those that waver. Give wisdom and integrity unto all. Grant that I may die glorifying thee for all thy mercies, and that at the last thou hast permitted me to be singled out as a witness of thy truth, and even by the confession of my

opposers, for that old cause in which I was from my youth engaged, and for which thou hast often wonderfully declared thyself."

He did not speak on the scaffold, and his death produced no great sensation. His virtues were not of that class which interest the mass of the people; and as to the citizens, they blamed while they pitied him. Hampden had nothing against him but the deposition of Howard. The imagination of Jeffreys did not supply what was wanting to effect his condemnation to death; his punishment was an enormous fine; his fortune was not sufficient to pay it, and he remained in prison. Hallowsay, one of the conspirators at West's house, taken in the East Indies, and Armstrong, arrested in Holland, were tried in the beginning of the year 1684. They confessed all, with the exception of the project for killing the king. Hallowsay, in fact, was not one of those who had entertained this extravagant project, and Armstrong had never had anything in common with those who had imagined it. Hallowsay, less noted in connexion with these trials than Russell and Sidney, manifested the kind of energy which those two great patriots had denied themselves from considerations of friendship. He said that it was true he had conspired; that in doing so he believed he was fulfilling a sacred duty, and that he should die with the same conviction. Even on the scaffold, he defended what he had done. Armstrong, who had passed part of his life in dissipation, piously resigned himself to his fate; only one thought disturbed his last moments, that he died without being able to confute an abominable calumny—a calumny emanating from the king himself. Charles seeing, in fact, that the courageous declarations of Hallowsay and Armstrong fixed in a precise manner the character and degree of maturity of the double conspiracy, and fearing that Armstrong, far less compromised than Hallowsay, would inspire the interest which resulted from these tardy elucidations, had the miserable baseness to say that this was not the first time that Armstrong had attempted his life, for that before the restoration he had come to Holland to assassinate him. Now many people knew, on the contrary, that Armstrong had gone to Holland for the purpose of conveying to the king money and intelligence of those of his party who desired his return.

Despite the precision of the declarations of Armstrong and

Halloway, the counter-revolutionary party continued to represent the Rye House plot as formidable, and exerted itself with great activity to establish, which it was important for it to have believed, that the insurrection was organized in Bristol and Scotland. Charles committed the error of seeking to support his government as long as possible upon this idea. He received Jeffreys, the hero of this whole affair, at Windsor, and directed him to make a circuit in the provinces. On dismissing him he gave him a ring, which obtained the designation of the ring of blood; but even in granting this despicable person so great a mark of favour, he could not refrain from these strange words, so expressive of the perpetual contradiction between his sagacity and his position: "You are going to travel," he said, "the summer is hot; take care you do not drink too much." Jeffreys proceeded on his mission to prosecute the whigs in the provinces.

In Scotland, the earl of Aberdeen and the duke of Queensbury connected the inquiry relative to the Rye House plot with the comprehensive system of prosecutions already organized in virtue of the royal ordinance of the preceding year. A troop of justiciaries departed from Edinburgh, attended by soldiers, and spread themselves over Scotland. Left entirely to their own discretion, they went from house to house, and proceeded in this manner. They said to one: "You took part in the Bothwell insurrection;" to another—"You gave refuge to one of the insurgents;" or, "You knew of his retreat, and did not communicate the information to government." Of the greater number they asked: "What is your opinion of the Bothwell insurrection, or of the Rye House plot?" Some were merely called upon to take the test devised by the duke of York and to declare that they had never had any connexion either with Argyle, or with the insurgents of Bothwell, or with the agents of the English plot. As, in Scotland, the number of those who considered themselves authorised to secure repose by perjuring themselves was very limited, that of those found guilty, by their own admission, of disaffection to the government, was immense. The prisons, in fact, could not hold them; fines were imposed upon them, or they were made sure of by quartering the troops upon them, and obliging them to appear several times a-day before the officers of the detachments.



For some time this tyranny had fallen only upon men; but by means of the test, of which the women openly expressed their horror, they themselves at length were involved in the general oppression. Fathers and husbands were made responsible for their submission to the test, and called upon themselves, under pain of fine or imprisonment, to compel their attendance at the Anglican churches. This last measure, proposed by Queensbury, was opposed by the earl of Aberdeen, as impracticable. A dispute ensued between them. The duke of York, siding with Queensbury, obtained from the king the recall of the earl of Aberdeen, and had lord Perth nominated in his place, secretly a catholic, yet who appeared, says an historian, to have undertaken the task of showing England what she had to fear from a popish king. Under him the executions became more numerous: five gentlemen, a domestic of the earl of Argyle, a cousin of the duchess of Monmouth, and Baillie, some months before transferred to Scotland, perished as accomplices of the English plot.

We shall only speak of the trial of Baillie. This courageous friend of Russell and Sidney was almost on the threshold of death, from the excess of privations and ill treatment he had undergone in his captivity, when they intimated to him a letter from the king accusing him of being one of the Rye House conspirators, and of having endeavoured to raise an insurrection in Scotland; he was allowed two days to clear himself, by oath, from this accusation, in default of which he was to be held guilty. During these two days, the strength of Baillie continued to decline; but when, at the expiration of the time, the commissioners came to receive his answer, he energetically refused any explanation whatever. He lived long enough to afford a spectacle to the population of Edinburgh, and, to the last breath, bore with a firmness equal to that of the presbyterian martyrs, tortures in which he had not religious enthusiasm to support him.

Baillie was the last of those who perished for the Rye House plot. The government, while seeking to convince the nation that the conspirators had put it in great danger, had acquired full proof of their utter weakness. No one had arisen in their favour; many honest men even condemned them. The reason is, that if certain principles can make insurrection a high-souled duty whenever there is violation of

nee  
Lady Harriet  
Scott

1683-  
1681-  
liberty, they who devote themselves to this duty too often incur the risk of compromising those whom they wish to serve; and to the latter it is ever a crime to fail, in that which they deem it no crime to undertake. The Rye House plot had this effect with reference to those whom the Oxford affair had reduced to dark expedients. The court, now more powerful than ever, drew around the scaffold of Russell and of Sidney a vast circle of inculcation, involving all whom it regarded with apprehension. No one murmured at its revenge; no one opposed the illegalities which it committed under the pretext of the plot. Nor did any one resist when it required the towns and corporations to surrender their charters; obedience was commanded as a sort of answer to the doctrines on the right of resistance inculcated by Russell and Sidney in their last writings. This victory might have been turned to the advancement of order, if power had not desired to retain the extraordinary force which circumstances gave it; but in reality, it turned to the benefit of the counter-revolution: it placed at the head of affairs the duke of York, and those who, pressing around him, seemed justified in placing their system of government by the side of their already fulfilled anticipations. They had always said that men would attack royalty after they had overthrown popery; successful defenders of royalty, their irresistible ascendancy was now to be employed in consecrating arbitrary rule by the traditions of popery.

## CHAPTER III.

## RE-ESTABLISHMENT OF CATHOLICISM.

(1684-1686.)

The duke of York, the catholics, and the absolutists, at the head of the counter-revolution—Rupture between the king and the predominant party—Death of the king—Triumph of the catholics; accession of James II.—Promises of James II.; oath of the coronation—Resignation of the English people—Reinstatement of the parties condemned for the popish plot; acts of revenge against the informers—Attempt of the earl of Argyle and the duke of Monmouth—The catholic party strengthened by them—Pretensions to absolute power, to the right of dispensing with tests, contested by parliament—Prorogation of parliament—Establishment of a standing army—Conversions to popery—Decision of the judges of the king's bench in favour of the dispensing power—The papists elevated to offices throughout the three kingdoms—Ecclesiastical commission instituted against the members of the church of England—Trials of the bishop of London and of Samuel Johnson—General submission—Separation of the ruling party into moderate catholics and high catholics.

THE vigour which the duke of York had displayed in the troublous times that followed the Anglo-Scottish conspiracy, in proving him to be the man of intellect of the reigning family, had not slightly contributed to give him that influence to which the natural course of things called his party. In that dangerous crisis, the king had not been able, as theretofore, to prevent his brother from making himself useful; and he had got the better rather of his jealousy towards him, than of his invincible aversion for business. He now left to the duke, more laborious, more firm, more active than himself, the care



of governing by means,—the odium of which he was perhaps not sorry also to transfer to him. All England remarked this change in the relative position of the two brothers; men repeated the sensible words of Waller: “His enemies would not consent to the duke’s reigning in his turn,—so his friends have got him to reign before his turn,—while his brother is still alive.” The duke, on his side, found great satisfaction in displaying his omnipotence in the eyes of his enemies; he was seen in the streets of London with a considerable train,—while the king went out with but a very limited suite. His antechambers were crowded, while the king could scarcely collect a few courtiers with whom to converse. It was the duke,—and not the king,—whose morning and evening levees were attended. He presided at the council,—despatched all business,—and the king merely signed the papers which were brought to him, and of which he rarely inquired the contents, as much from pique as from indifference.

The duke resumed his post of high-admiral. This was the first blow struck at that famous church of England test which had overthrown the Cabal ministry. Several catholic lords,—detained in the Tower since the popish plot,—now quitted it, and had a brilliant reception at court. Titus Oates was tried for having calumniated the duke of York in his evidence, and condemned to perpetual confinement. The duke of Beaufort and lord Peterborough instituted prosecutions of the same kind against such of the revealers of the plot as still lived, and had them imprisoned. At the same time began those conversions to popery,—which became the understood means of obtaining favour at court. The Irish lord Mac-Carthy, one of the popish officers whom the church of England test had obliged to leave the army,—re-entered it with a higher command; other officers abjured protestantism,—and were advanced accordingly. For several months nothing was heard of at the French court but the successes obtained by the catholic missionaries sent from all parts to aid the York party. They corresponded with father Lachaise,—formerly compromised by the letters of the jesuit Coleman; it was even announced that Charles would shortly set his people the example of returning to the Romish church. An ignorant jesuit who had obtained an audience with him, took his badinage about the

church of England as a declaration of preference for catholicism; and he wrote word that he had hold of the king of England, and Louis XIV. spoke at Versailles of this conversion as of a settled fact.

The York party did not confine itself to supporting the labours of the popish priests; it arduously laboured to propagate the principles of absolute power. During the proceedings against the Rye House conspirators, the university of Oxford had been directed to seek out and condemn in the publications anterior to the parliament of Oxford, in those which had attained any celebrity in the time of the revolution, and even in the Old Testament, the maxims which were charged with having given birth to all the enterprises against royalty. The university had accordingly denounced as corrupt, impious, and seditious twenty-seven propositions taken from the writings of Hobbes, Milton, Godwin, Baxter, Buchanan, Knox, Johnson, and other less known writers; some of these were republican professions of faith, which few people now thought of maintaining; others were a timid exposition of the principle of resistance: this, for example, taken from a celebrated pamphlet of Samuel Johnson:—

“Christians are not bound to observe passive obedience, when the prince commands anything contrary to the laws of the land. If the first Christians chose rather to die than to resist, it was because the Christian religion was not established by the laws of the empire.” And this, from the work of Philip Hunton on Limited Monarchy. “Sovereignty in England dwelleth in the three estates—king, lords, and commons. The king hath power in degree equal to that of the two houses: the houses may contradict and oppose him.”

The zealous Anglicans of the university of Oxford had condemned these maxims, as leading to those which had influenced Russell and Sidney; but the doctrines which they had thus established in the common interest of their religion and of royalty were now converted into a popish weapon. The courts of justice, taking their cue from these dicta, condemned as seditious the writings of a time, when men rose against the measure that deprived the towns and corporations of their charters, and against the favour which the papists openly en-

joyed. In the course of the year 1684, thirty-two writers were condemned to the pillory for protests of this kind, designated as factious, and injurious to the king and to the duke of York; some had merely required the convocation of a parliament, in the terms of the declaration of Oxford. The suspension of three years, to which the nation had seemed resigned, had now expired.

The duke of York and the papists hoped that the king would not keep to his promise,—and when the question was discussing in the council,—they asserted that the declaration was in no way binding upon him. But the whigs were no longer formidable. Those of the tories who were not papists began to be alarmed, and the conduct of the duke was in all respects so intemperate, that the tories thought he might at length shake off a yoke which had become insupportable, and declare against a policy not his own. The misunderstanding between the two brothers,—long veiled by skilful dissimulation,—broke out the moment that the one refused to be led by the other. Several very warm altercations took place between them. The king's expressions got abroad. It became known that on one occasion he said to the duke: “You may, if you will, resume your journeyings on the continent; for myself,—I am too old to stir, and shall remain where I am.” That on another,—driven to extremity, he went so far as to say: “There is no middle course: one of the two brothers must take a journey,—and that one must not be the eldest.”

1683- As soon as this division was manifested, the court became the theatre of mysterious intrigues,—which time has not hitherto at all explained. The duke of Monmouth, who after the affair of the Rye House had thought it advisable to retire to Holland, and who, again received into favour notwithstanding his absence, kept up a secret correspondence with the king his father, came to England, unknown to the duke of York; not to London, but to a place within easy reach of the king's messengers. All that was known of his visit at the time, was, that having fulfilled it, he returned to Holland with every appearance of satisfaction; but it was afterwards ascertained that Charles had given his consent to a project to assemble a parliament, to give an important command to the duke of



Monmouth, to exile the duke of York, and again to put in force the laws against the papists. (*i.e. Monmouth had got him round.*)

The duchess of Portsmouth, hostile, as the king's mistress, to the duke of York, and the ministers Sunderland and Halifax, aided this project with their influence and their talents for intrigue. Barillon, whom some historians represent as opposed, others, as favourable to the king's views, and whose conduct, always equivocating and obscure, cannot be cleared up by what remains of his correspondence, was, it would on the whole appear, charged, on the part of the duke of York and the papists, to promise Charles, if he would not assemble parliament, the continuation of the subsidy which he had received since the affair of Oxford, and which, guaranteed for three years, was now about to expire. At the same time, to propitiate the duchess of Portsmouth, her son, the duke of Richmond, was naturalized in France and endowed with a brilliant apanage. Despite all this, Charles seemed fixed in the resolution to deliver himself from the importunities of the duke, and the demands of the papists, when he was (all at once) seized with some extraordinary malady, in the midst of apparently perfect health, and died in a few days.

The bishops of the church of England, and the catholic priests, beset him in his last moments, disputing, as for a political victory, the advantage of seeing him die in their respective faiths. The impenetrable secrecy which surrounded the bed of the dying monarch, precluded the public from any positive knowledge as to whether the protestants or the catholics were best received. However, the papists loudly boasted of the conversion of the king, while the event itself closed the lips of their adversaries. The examination of the body presented indications of poison. One of the physicians had the imprudence to express his suspicions, and died a few days after, declaring that he believed himself a victim of his candour. The stomach, that part of the remains whose examination was most to be dreaded, was secretly removed. The papists and the duke of York were accused. As is ever the case in such matters, the fact that they had a strong interest in this sudden death of Charles, sufficed to throw the suspicion of that death upon them. We have already expressed an opinion as to the distrust in which party statements, ever readily accepted by the populace, should be held; if there

be, as to this affair, some odious secret which cannot be penetrated, it is probable that James, at least, knew nothing of it. As to the catholics, the question with them was, whether they should re-establish their religion, or again be involved in the horrible persecutions which had followed the popish plot; Charles was about to sacrifice them a second time, in order to make his peace with England; the death of the king (so far) directed the crisis in their favour. If the death of Charles was natural, fortune served them well; if it was their work, they did that which no other parties would have hesitated to do in the same position. To triumph, that is the whole moral of parties.

The duke of York and the jesuits who directed him, paid too little heed to the accusation; contemptuous denial did not put an end to it, and, as corroborating it, various circumstances were remarked, which testified the indifference of the new court for the late king. The body did not lay in state as usual. The operation of embalming was performed so negligently, that for several days, parts of the entrails which had not been replaced were seen issuing from the gutter beneath the room where the corpse lay; finally, the funeral obsequies were inferior to those of a simple lord. The duke of York, speaking in his Memoirs of this unusual absence of royal pomp, says, that what was retrenched in the ceremony rendered it more conformable with that Christian humility which even princes may not dispense with. The king's eyes were scarcely closed, when this prince, the least humble of men, received with delight the homage of the servilely assiduous courtiers; he was proclaimed in London, by the title of James II.

No opposition was manifested. The feeling which had formerly dictated the bill of exclusion still lived in men's hearts, but a profound dejection retained it there. All waited with anxiety to hear what this enemy of the public liberties and of the national religion would say now that, the crown upon his head, he could throw aside dissimulation; but, in this rapid change of position, a glance cast by James at the difficulty of enterprises which he had boldly attempted under the shelter of a throne occupied by his brother, made him sensible of the necessity for caution, and, to the astonishment of all sects and all parties, he delivered the following speech

to the council : " I have been reputed to be a man for arbitrary power, but that is not the only story that has been made of me; and I shall make it my endeavour to preserve this government both in church and state, as it is now by law established. I know the principles of the church of England are for monarchy, and the members of it have showed themselves good and loyal subjects; therefore I shall always take care to defend and support it. I know, too, that the laws of England are sufficient to make the king as great a monarch as I could wish; and as I shall never depart from the just right and prerogative of the crown,—so I shall never invade any man's property. I have often heretofore ventured my life in defence of the nation, and I shall still go as far as any man in preserving it in all its just rights and privileges."

These expressions naturally appeared most gentle to the nation, coming from a sovereign whom it had not the power to reject, and whom it had so deeply offended in reference to the papists, and the exclusion bill; it preferred a belief in his intentions to the apprehension of the revenge it knew itself to have provoked, and it became necessary for it to appear convinced, in order to confirm the new king in the dispositions he had evinced. Accordingly, from all parts of the kingdom came addresses, which, as usual,—expressed more of joy than was supported by hope. The protestations of devotion and affection were in anticipation of what it was desired the king might thereafter merit,—rather than base flatteries. Some addresses indeed, in thanking the king for his assurances with regard to religion, added: "that religion which is dearer to us than life;" others, speaking of the public liberties, reminded him that they were guaranteed by the laws. Such at this time was the depression of the public mind, that these timid observations appeared to some very courageous, and to others indecent, as insisting too strongly upon promises which the king sincerely meant to keep. James, at his coronation, repeated these same promises; he swore to maintain the constitution and the Anglican church; but he takes care in his Memoirs to explain with what mental reservation, while taking this latter part of the oath, he knew how to render it futile: "his majesty," he says, "here undertook to support and defend rather those who professed this religion, than the



religion itself. It could not be imagined that he should feel himself bound in conscience to support that which in conscience he judged to be erroneous; and therefore, in making use of the expressions he thought fit to adopt, he did not for a moment suppose that the public would conceive them in any other sense than that which he himself meant to convey, the only sense consistent with his position." On the second Sunday after the coronation, James publicly attended mass, and officially despatched an envoy to Rome. He at the same time published two writings which he pretended he had found among his brother's papers, and which went to prove that the king had died sincerely convinced of the truths of catholicism. No one believed in the authenticity of these two pieces; but their publication showed how far, as to religion, the king intended to keep his word.

At court the papists experienced the most distinguished reception. Yet with all the marked preference of which they were the object, James did not think it advisable to place them at the head of the government; he only gave them the offices of his household, retaining in the public posts those who had filled them under the late king since the parliament of Oxford. Halifax continued president of the council, Sunderland secretary of state; James even spared them the embarrassment of the explanations which they requested to give him as to their former conduct towards him. The earl of Rochester and lord Clarendon, the two sons of the old minister, remained, the one at the treasury, the other in the privy council; both of them were animated with the same zeal for the church of England which their father had formerly shown. People were astonished that an administration upon which the papists could so little rely, should be retained; but James considered Halifax and Sunderland as two intrigants whom it would always be easy for him to buy, and believed the two sons of Clarendon would sacrifice their principles to the personal devotion which they had already given him many proofs of. Besides, everything in so false a position was necessarily contradictory. James thought it due to his religious sentiments not to conceal his predilection for the catholics, and to his interest to leave in the government men who would reassure the nation under its terrors of

popery. Having from chief of a party become king, he seemed desirous of banishing passion, and of elevating himself to high conceptions; but imagination prevailed where mere reason would have been a better counsellor. To reconcile the nation to absolute power and to catholicism was, in his eyes, a task worthy of a great and pious monarch. He hoped that powerful habits, inveterate repugnances, fears still more inveterate, would by degrees give gently way, and that then he might display, upon a throne respected by its subjects, and protector of the only true faith, political and military talents which should distinguish him among princes, and again elevate the nation in the eyes of Europe.

If we are to believe the Memoirs of James, although three years younger than his brother, he had never believed he should survive him. It was hence that new ideas came upon him with his un hoped-for change of fortune; that which he had advised or desired as duke of York, he now regarded under another aspect; he who had recently so vehemently opposed the assembling of a parliament, now as king deemed it an indispensable measure. Moreover, as under the last reign it was necessary for the requirements of government to have recourse to arbitrary taxation, to the national representatives, or to the patronage of Louis XIV.: now what the nation had most of all detested in Charles, was that dependence upon a foreigner to which that monarch had so basely submitted. In his first relations with France, James affected a hauteur which greatly amused Louis, who at the very time was being secretly intreated by Barillon to take pity on the embarrassments of the new king, and to continue to him the supplies granted to Charles. Louis temporized, which was equivalent to a refusal; James then kept up his air of independence, and announced the immediate convocation of a parliament; but pursuing the policy he had counselled after the affair of Oxford, he thought it better first to assemble the Scottish parliament, in order that this might set an example of docility, which it did not fail to do.

The earl of Queensbury and lord Perth were still at the head of affairs in that kingdom, and governed with that harshness which most of their predecessors, for forty years past, had declared necessary to the maintenance of order. There was,

1625-1688  
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however, this difference between the two ministers, that the former imposed upon his royalist zeal the restrictions with which every member of the church of England then thought to shield himself, and the other was one of the most ardent abettors of popery. The parliament (which they directed) went rather with Queensbury, as is shown by an act stamped with vivid anxieties for the Anglican religion, and which seemed out of its place by the side of two other acts, the one acknowledging the absolute power of the king in the government of the state, the other imposing new punishments upon those who should form conventicles. Upon the whole, however, James had to congratulate himself upon the conduct of the Scottish parliament. He hoped no less from the English parliament. Never had intrigue and violence been employed by the court more unblushingly, or more successfully, than in the current elections. According to the charters given at the end of the last reign, in exchange for those which had been surrendered, it was no longer the people but the corporations who elected, and means had been found to expel from the corporations most of the men capable of any vigorous steps. In towns and boroughs, where, in consequence of these clearances, the corporations did not furnish a sufficient number of electors, the officers of the army (or gentlemen of known devotion to the cause) were made to vote. Thus there was a lower house, in which, with the exception of forty members, there were none but weak, ignorant, or unscrupulous men, similar to those who, in the first two years of the restoration, had given up the liberties and money of the people with such baseness and improvidence. In one thing alone their representatives, unworthy as they were of the public confidence, did not see with the eyes of the court; they dreaded popery, and this sentiment formed the only hope of the minority, who had been duly elected, despite all the machinations and violence of power.

The administration preserved by James did not conduct affairs; its official existence was little better than a form. The power of the papists, on the other hand, did not consist in the possession of such or such posts, but in the elevation of a prince who had never ceased to conspire with them. The orders which he dictated to the council were those which



the directors of his conscience had previously sanctioned; these were the true ministers, who had practical cognizance of all public affairs, through the obscure medium of a police, which everywhere superintended and influenced the authorities, high and low. The existence of this secret government was revealed by the nature of the prosecutions instituted at this period by the courts of justice. Their chief occupation, after the accession of James, was to reinstate or revenge the papists, by judgments exactly opposed to those of which they had been the object under the preceding reign. Titus Oates, already condemned as having calumniated the duke of York in some of his depositions, was again tried as a false witness; Jeffreys, who in 1678 was one of the king's counsel employed to give effect to testimony against the papists, now prepared the indictment against Oates, and denounced him as the greatest impostor that had ever appeared on the face of the earth. The cause was brought before an ordinary court, but judges and juries were either intimidated or purchased, and the sentence was dictated by the papists. It did not suit their purpose to execute Oates, as the unhappy man himself would perhaps have preferred; he was condemned to be pilloried, to be whipped for several consecutive days at a cart's tail, from one end of London to the other, a punishment which was to be repeated every year, at the anniversary of the denunciation of the popish plot. It was hoped that, menaced by this extended prospect of torture, he would retract, but, exciting our wonder to the last, he suffered and kept his secret. On the first two days, he was whipped with such barbarous severity, that the people regarded it as a miracle and as a confirmation of the truth of his depositions, that he did not die under the hand of the executioner.

Dangerfield, the denouncer of the Meal Tub plot, condemned to the same punishment, was killed by one of the mob in returning from the pillory. Baxter, the presbyterian minister, was also brought to trial. He was one of those whose writings had recently been condemned by the university of Oxford; some of these were anterior to the restoration, the rest published since the popish plot. Baxter was condemned to an enormous fine, and to perpetual imprisonment. Jeffreys, in the course of the trial, addressed him thus:—"Richard, Richard, dost

*(i.e. like a bad schoolmaster, the first thing James and his advisers did, was to get to flogging - literal or metaphorical.)*

thou think we will hear thee poison the court? Richard, thou art an old fellow,—an old knave; thou hast written books enough to load a cart; every one is as full of sedition (I might say treason) as an egg is full of meat: hadst thou been whipt out of thy writing trade forty years ago,—it had been happy. Thou pretendest to be a preacher of the gospel of peace, and thou hast one foot in the grave; it is time for thee to begin to think what account thou intendest to give; but leave thee to thyself, and I see thou wilt go on as thou hast begun; but by the grace of God, I'll look after thee. I know thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty Don, and a doctor of the party (looking at Dr. Bates) at your elbow; but by the grace of Almighty God I will crush you all.”

Nothing was heard of but prosecutions and condemnations of this kind. When parliament assembled, James spoke in well-nigh the same terms that he made use of to the privy council; he enlarged upon the interests of commerce in a manner which proved that he was well acquainted with such matters. He disclosed his intentions very clearly, by saying that the best mode of inducing him frequently to assemble parliament, would be for it to use him well; and that those would calculate ill who should think, by closely pressing him, to obtain more from him. Parliament answered with submission, and even mentioned the word gratitude; in a few hours it voted the continuation to the new king of the civil list granted in the late reign, in addition to the revenues he had enjoyed as duke of York, in all nearly 2,500,000*l.*, a sum more than double that which had been voted by the first parliament of the restoration. James had already illegally raised that portion of these revenues furnished by the excise duties; parliament sanctioned this anticipation. Some objections, indeed, were raised, but were not listened to. Various petitions which denounced electioneering frauds were rejected; they were addressed to the very men who owed their election to the nefarious means complained of.

Thus from the outset men saw what was to be expected from parliament; no one ventured to hope that it would defend religion. The perils were the same with those in which they had been involved shortly before the popish plot; but

the energy by which these perils had been averted, had led to the very errors which it was now intended to expiate; men feeling less courage, flattered themselves that they had all the more wisdom and experience. When James, scarcely crowned, ordered the illegal collection of the excise, the example of Hampden was vainly cited; no one was found willing to incur the risks of a prosecution for resistance in the name of the nation; each shut himself up in his own interests, terrible enemies of the public interest when this is no longer regarded as their faithful expression. The audacity of the papists was encouraged by this fatal inertness; they brought into parliament a bill denouncing as iniquitous the condemnation in virtue of which the earl of Stafford had been put to death in 1680. This was a distinct insult to the upper house, for it called upon them to condemn their own decree, but the bill passed. Those, however, who had voted against it, placed upon the journals a protest, founded on the principle that a judgment given by the upper house could not be invalidated by an inferior court; that no proof was adduced of the pretended innocence of lord Stafford; finally, upon the ground that the popish plot, condemned and prosecuted, after mature deliberations, by the late king and four consecutive parliaments, could not be nullified merely out of attachment for a popish sovereign. None but men placed in so high a social position could then hold such language. Frantic violence could only give the courage of despair to those who at this time trembled at the very name of Jeffreys; such acts of violence were excited by an attempt from without, and very speedily brought forth their fruits.

The duke of Monmouth, the earl of Argyle, and the numerous refugees who, just before the death of Charles II., had thought themselves on the eve of triumphing over the duke of York and the papists, saw all their hopes destroyed by the accession of James. They could scarcely reckon on a further refuge in Holland. James would require their expulsion thence of his son-in-law, the prince of Orange, and he, now the heir presumptive to the crown of England, had no interest in supporting them. The pretensions, indeed, of the duke of Monmouth were becoming more than ever rivals of his own. Most of the refugees having quitted Scotland and England at a time when the whig party, notwith-



standing its defeats, still retained courage and hope, judged from these old dispositions what might still be the hatred of the papists and of the court; they thought that they had only to present themselves with arms to find soldiers, and accordingly resolved upon a double descent, the one on the west of Scotland, the other on the west of England. The earl of Argyle departed first for Scotland, with three small vessels freighted with arms for five thousand men; the duke of Monmouth, detained by preparations on somewhat a larger scale, set out afterwards. The secret had not been completely kept; so that, when the earl of Argyle arrived in Scotland, the earl of Perth and the duke of Queensbury, already on their guard, had assembled at Edinburgh all the nobility of the western counties, and had taken other measures for isolating the earl of Argyle upon his disembarkation. Accordingly the earl found all those places closed against him where he had reckoned upon establishing himself. Some thousands of highlanders, his vassals, whom he collected, soon left him, when they found that the royal troops, the militia of the surrounding counties, and the vassals of several great noblemen, foes to the earl, were marching against them. A few friends, who would not separate their fortune from his, were taken with him. He was carried to Edinburgh, and executed in pursuance of the sentence passed upon him three years before.

The duke of Monmouth, detained nineteen days by contrary winds, landed at Lyme in Dorsetshire, at this juncture of affairs. The period of his quitting Holland was known, but he was not expected to appear in this direction. The news of his landing produced great alarm in London. He was personally far more formidable than the forces which accompanied him. He assumed the title of king, a title under which a large proportion of the population, in its hatred for popery, was quite capable of recognising him on his very first success, especially in the parts where he presented himself. The duke had not a hundred men with him when he landed, but he had before him, wherein to advance into the country and to recruit, a full fortnight, which the king, on his side, occupied in summoning from Scotland the troops who had frustrated the enterprise of Argyle, and from Holland three English and Scottish regiments, who had been in the service of the States since the peace of 1678.

The prince of Orange offered to place himself at the head of these regiments, and himself to come and oppose the duke of Monmouth. James suspected, and with sufficient reason, the intentions of the prince, who was capable, did the English encourage him, of seizing the crown for himself, after he had defeated him who came to contest it with James II. The three regiments arrived alone; but from the language of the officers and soldiers upon their way, the king judged it better not to employ them against the duke, and only sent the few troops over whom he had, in the last three years, gained an influence. Lord Feversham, nephew of Turenne, commanded this small army, raised the militia, appointed over them papist officers, and marched against the duke of Monmouth. The latter had collected nearly six thousand men, undisciplined peasants, but whom his presence rendered capable of great efforts. His manifestoes summoned to arms all Englishmen friends of the constitution, overthrown by arbitrary power, and of the protestant religion, about to succumb under the blows of the papists. They only gave the title of duke of York to the king; treated his accession as usurpation, charged him with all the crimes attributed to the papists, from the fire of London to the seizure of the charters; declared that Russell, Sidney, justice Godfrey, the earl of Essex, and the late king himself, had died by the steel, the poison, and the calumnies of the popish friends of the duke of York; and that it was to avenge and deliver the people, and not because of personal injuries, that the men proscribed by the duke and the papists had taken arms. Monmouth passed through the towns of Lyme, Axminster, Taunton, and Bridgewater, everywhere well received by the people, while the royal officers and magistrates retired. If he had given less time to the pleasure of hearing the popular acclamations, and had marched to attack lord Feversham when he had the advantage of numbers, the ardour of his peasants would have fitly punished the usurpation and the crimes of James II.; but he did this too late. He attacked the royal troops at Sedgmoor by night, thinking to surprise them. Lord Feversham, however, had already managed to procure intelligence from some of the rebels, and was therefore on his guard. After a few hours' fighting, the army of Monmouth fled, leaving a thousand men on the field of battle, and fifteen hundred prisoners.

The peasantry had fought with fierce determination; but the prince's officers had ill fulfilled their duty; some, indeed, had betrayed him, as was manifest by their conduct in the battle, and by the pardon which they afterwards obtained.

The papists, who had been thoroughly alarmed, were implacable in their revenge; and as the population, except in the places actually visited by the duke of Monmouth, had shown neither devotion to the king, nor enthusiasm for the duke, they determined to punish it for the covert intentions which they discerned in this kind of neutrality. The duke of Monmouth, in a flight as full of adventure as that of the king his father after Worcester, had the misfortune to be taken, and was brought to London. He employed all the influence which his court connexions, and his exalted family relations had left him,—after a war full of so much hatred, to induce James to admit him to his presence. James consented; he wished to see his nephew at his feet, to hear him retract his accusations,—to learn whether he had any secret accomplices, and to draw from him a written declaration that it was falsely and traitorously that he had asserted the existence of a private marriage between his mother and the late king. Monmouth assented to every thing, in order to save his life,—which he solicited with tears. Still young, he loved it; he had known it brilliant with illusions, animated with the pleasures of a voluptuous court; he still hoped for happy days; his rank,—his fortune,—his talents,—the graces of his mind and person, all held out to him their promise, and would bury in oblivion the base compliances of which he was now guilty. Even captivity,—the shame of a pardon obtained from his mortal enemy, seemed preferable to the fearful doubts which agitated him of annihilation. James, after a long audience, despising that weakness which to others would have seemed touching, refused the pardon; delighted,—however,—that it had been thus solicited. The duke met death with the courage of indignation, and, despite the importunities of the court bishops, would not testify upon the scaffold any other regret than that of having involved brave men in a fruitless death for his cause, the cause of liberty, and of the protestant religion.

There had also been brought to London, to be questioned by the king, a Scottish gentleman, named Cochrane, and an



English presbyterian, named Ayloff; both of them taken with the earl of Argyle. The admissions of Cochrane, and the enormous sums of money given by his family to the priests in credit at court, saved his life. Ayloff, brought into the presence of James, the king asked him to declare what he knew of the relations between the whigs of the kingdom and the conspirators abroad? "Mr. Ayloff," said the king, "you know it is in my power to pardon you; therefore say that which may deserve it." "Sir," replied Ayloff, "it is in your power, but it is not in your nature." Ayloff was executed. *(i.e. do you take me for a fool, your majesty?)*

Rumbold, also taken with the earl of Argyle, and recognised as one of the Rye House conspirators, denied that the project of assassinating the late king and the duke of York had ever been seriously discussed. He added: "This is a deluded generation, veiled with ignorance, that though popery and slavery be riding in upon them, do not perceive it; though I am sure there was no man born marked of God above another; for none come into the world with a saddle on his back, nor any booted and spurred to ride him." Rumbold was executed at Edinburgh.

Lord Grey, who had commanded the duke of Monmouth's cavalry at Sedgmoor, was pardoned; a pardon generally regarded as the price of treachery during the action. Hampden, who was concerned with lord Grey in the Rye House plot, was spared, of which he was afterwards so ashamed that he killed himself. The trial of some other personages of distinction was postponed. *683-4. in 1696, 10 after Monmouth*

But there was neither delay nor clemency for the people of the western counties. Jeffreys, lately elevated to the peerage, was sent with a discretionary commission to seek out the guilty. He was assisted by four other judges as pitiless as himself, and by a body of troops, under the orders of the ferocious soldier, colonel Kirke. The latter took charge of the rebels who were found with arms in their hands; for them there were not even the forms of trial. Kirke would give his officers a grand dinner; on the removal of the cloth the health of the king and queen was drunk, and, at this signal, the executioners hanged, under the very eyes of the guests, and to the sound of military instruments, the latest prisoners, whose dying agonies merely excited hideous mirth.

Jeffreys had the people who were suspected of having favoured the rebellion brought before him in groups of twenty or thirty. After some brutal abuse, he would say to them: "I know all; save me the annoyance of tracing it home to you; confess yourselves guilty,—it's your only chance." Some confessed; others denied. Most frequently Jeffreys passed a common sentence, and always in terms as coarse as they were bloodthirsty. He thus put to death nearly six hundred persons, mostly of humble condition. The inferior agents and the executioners trembled as they obeyed him. Their confusion often gave occasion to frightful mistakes; men whose pardon had been purchased at court,—perished,—taken by chance. These, according to Jeffreys, were small matters compared with the realization of such prompt and efficient justice. The proscription not only reached those whom the presence of the duke of Monmouth had seduced; those who had given refuge to the fugitive insurgents perished as their accomplices. Two women were of this number; one was an aged and charitable anabaptist,—well known in London for the care which sick persons and prisoners of all sects received from her; she was burned alive. The other was a noble lady, the widow of a regicide,—lord Lisle,—himself assassinated in Holland by some Irish catholics,—in the first year of the restoration. She also was condemned to the stake, but the king consented to commute this sentence of the lord chief justice for a milder one; and lady Lisle was only decapitated. Cornish, who had been sheriff of London in the year of the popish plot,—and whose misfortune it was to have made himself conspicuous in that too noted affair,—was hanged and quartered,—for no other reason than the circumstance which allowed vengeance to be taken upon him.

The king knew of all these barbarities: he related them to the foreign ambassadors, under the inconceivable idea of inspiring them with the same interest which his own gratified hate found in them; he amused himself with giving them the reports of what he called Jeffreys' campaign. He pretends, in his Memoirs, that many of the acts of violence which excited the highest popular indignation, came to his knowledge too late,—and that the rebels were chastised with clemency wherever he himself could see to it; but the very name of clemency from the pen as in the mouth of James,



makes us shudder when we know that he believed he held from God the full right to sacrifice to his safety all the enemies of his power, a right which the long parliament itself, amid the greatest dangers incurred by the revolution, had never asserted. It is, therefore, not to the revolution, nor even to the tyranny of Laud and Strafford, that we must look for anything comparable with these atrocities of a bigoted and sanguinary court; we must go back to the reign of queen Mary, and, perhaps, to that of Henry VIII.; even there we should not find a Jeffreys seated among the peers of the realm, and raised to the dignity of chancellor, as this monstrous demoniac was, in recompence for these services.

After announcing the landing of Monmouth to parliament, James had prorogued it from August to November. He was already displeased with the tendencies manifested by the two houses; for that which took place in the second parliament of the restoration was exactly reproduced in this. After infinite acts of miserable baseness, of utter imprudence, after the most servile protestations, both houses had shown the firm resolution of maintaining the Anglican religion, and of not admitting popery even as a tolerated religion. It was for this reason that they refused to reinstate the memory of lord Stafford, notwithstanding the contradiction between this refusal and the prosecution they allowed of Titus Oates and Dangerfield; that which had always been found in previous resistances happened now; political power was disputed when there was reason to fear that it would be applied to the subversion of the national religion.

in 1685

After the movement of the earl of Argyle in Scotland, the court, taking as a pretext the dangers which threatened the crown, brought into parliament a bill for the better protection of the king's person, which set forth all the acts that in future should be deemed high-treason; which acts, said the bill, should all be held and taken to be treason, in whatsoever way manifested. One particular clause expressly provided against attacks upon the religion of the king and falling back upon his person. It was this which excited those who might have passed over the clauses which menaced the press and the protestant pulpits; it was to the effect that all persons convicted of having wickedly and malignantly, by any writing, printing, preaching, or any other speaking,



asserted or maintained any maxims or doctrines tending to excite the people, and to inspire them with hatred and ill-will towards the government or person of his majesty, should be thenceforth incapable of holding any place or office, military; civil, or ecclesiastical, or of exercising any employment in church or state.

A celebrated lawyer, Maynard, demonstrated how easy it would be, upon the letter of this provision, to expel from public employments and from the churches, those who, faithful to the Anglican religion, expressed the slightest objection to the religion professed by the king; for it would not fail to be said, that such *attacks* were intended to excite disaffection to his person. The house of commons therefore added this restrictive clause to the bill; namely: "that the assertion and maintaining, by any writing, printing, preaching, or other speaking, the doctrine, discipline, divine worship or government of the church of England, as it is now by law established, against popery or any other different or dissenting opinions, is not intended and shall not be interpreted or construed to be any offence within the words or meaning of this act." This protected the members of the church of England from the operation of the bill, but the nonconforming protestants remained exposed to them; no one represented them in the house, and the members of the church of England had not yet resumed sufficient courage to remember that against popery the cause of all the protestant sects was the same.

During the prorogation which followed the descent of Monmouth, the catholic party, fully expecting that the Anglican opposition would reappear and strengthen itself as under the late reign, prepared by its declamations the downfall of the tests which twelve years before had been established despite the Cabal ministry. The circumstance had enabled James to employ against Monmouth a great number of papist officers, hitherto excluded from the army; but, the danger past, the opposition to this of the members of the church of England was immediately anticipated: they would doubtless demand the rigorous execution of the laws as to the test, and would seek to compel the king to deprive himself of the services of men whom it was important for him to keep around him. The courtiers and jesuits accordingly everywhere spread it abroad that the tests were the weapon of disaffected men;

that to attempt by their means to oblige, not only the officers of the army, but all the civil servants of the state, the ministers, the members of the upper house, and the officers of the crown, to declare that the religion of the king was idolatry, was to offer the most monstrous insult to the monarch; that the promise given by the king on his accession was a better security for the Anglican religion than all the oaths taken by other people. A few ambitious men allowed themselves to be led away by these representations; the king had declared that for the future he would only be served by men who believed he might be relied upon without tests, and conspicuous conversions were made in the higher ranks of the army, the magistracy, and the administration. But the lower officers, the subordinate political employés, the inferior magistrates, who had no greater favours to expect than the retention of their places, would hear of no concession; they saw that, the tests once abolished, they should be all dismissed to make room for papists; and their religious belief, as well as the fear of the contempt which attached to interested conversions, rendered them alike inaccessible to seduction and to fear.

The king was resolved to make examples of some of those who refused to subscribe to the abolition of the tests, and whose elevated position might give courage to the mass of civil and military employés. The marquis of Halifax, president of the council, was looked upon as opposed to the measure solicited by the jesuits; James sent for him, and required him to declare himself explicitly on the subject. Halifax without hesitation replied, that he would never lend his hand to the abolition of the tests, because the tranquillity of the country, that was to say, its sense of security, and the interests of the king himself, required, in his opinion, their maintenance. James told him that thenceforward he was no longer to consider himself president of the council, since his service could not be fulfilled by ministers who were but half of his way of thinking. Halifax was replaced by Sunderland, who still retained the office of secretary of state.

The duke of Queensbury fell into the same disgrace, and was recalled from Scotland. The earl of Perth, who had shared the government of Scotland with him, and who had long since passed for a secret papist, publicly declared his



in 1681- conversion, and remained alone at the head of affairs in Scotland. The marquis of Halifax and the duke of Queensbury had been, since the affair of Oxford, the one by his duplicity of conduct, the other by his atrocious persecution of the papists, objects of the contempt and hatred of both nations; yet all they had to do in order to regain public favour was to protest, by the sacrifice of their offices, against the views of the jesuit party: the reparation was tardy, but was considered courageous, because in general men at heart considered themselves as guilty of tyranny in having supported (or submitted to) it, as others were for having exercised it.

The duke of Ormond, lord lieutenant of Ireland, despite his known fidelity, was recalled as a partisan of the tests. The king had extensive views with regard to Ireland; the protestant population there was more formidable than elsewhere, because in presence of a catholic population much more numerous, and still animated by the patriotic and religious hatred which had produced the insurrection of 1641, it lived in continual danger. So long as the protestant religion had not been openly attacked in England, the Irish government had no other instructions given to it than those transmitted at the restoration by the protectorate; the native Irish, all catholics, had been strictly kept within the limits of territory to which Cromwell had confined them; the descendants of the settlers forcibly established in the country for two centuries, and the sons of those whom the revolution had there put in possession of large estates and fine mansions taken from the catholics and from the partisans of the king, had been throughout protected in their proprietary interests. All that James, in the last years of his brother's reign, had been able to do for the catholic population, was to send for the young men of the great families to England, and to give them commissions in the army; now himself master, he saw before him a revolution to be effected, the same as that which the insurgents of 1641 had attempted to effect by the massacre of forty thousand English protestants. He resolved to raise the Irish catholic race from its abasement; to recruit the English army from among its youth, now grovelling in ignorance, fanaticism, and misery, and thus to create for himself, under the orders of popish officers, an entirely national army, a powerful reserve for him should the English some day be-



come less docile; he would then expel from Ireland, the proprietors who held their right from Cromwell, and who formed in the great towns a citizen class infected, like that of England, with ideas of political liberty, and still more hostile (even than the latter) to popery. *(and when he had done it - what then*

The duke of Ormond was replaced by Clarendon, son of the chancellor, and brother-in-law of James: the reasons which induced the king to suppose he might depend upon him have already been mentioned. He did not, however, confide his projects to him; he rather, indeed, made use of him to conceal them, for the attachment of Clarendon to the Anglican religion being well known, his nomination would reassure the protestants of Ireland, and it was important that their suspicions should not yet be aroused. The person entrusted with the preparation of the popish revolution in Ireland, and with organizing troops who might come, when the proper time arrived, to the assistance of James in England, was a popish officer named Talbot, created earl of Tyrconnel by the king. He was a man of capacity and vigour of character, which rendered him well suited to carry out what was practicable in the plans of the ruling faction; but if it was the intention of James that the progress of the catholic party in the three kingdoms should be uniformly progressive, then the earl advanced far too rapidly.

Some weeks before the convocation of parliament, which had been prorogued to the 9th of November, and amidst the anxieties occasioned to the English protestants by the encroachments of the catholic party since the accession of James, there arrived in the ports of England a multitude of families who had fled from France, and came to ask an asylum. The edict of Nantes had been revoked. The refugees, on landing, gave lamentable accounts of the persecution which they had just escaped from. The provinces of the south of France were at that moment the theatre of horrors to which the land had been a stranger since the close of the wars of religion. The peaceful country districts, the industrious towns of Languedoc, Dauphiné, Provence, and Béarn, were devastated by the regular troops under the direction of the priests and courtiers of the great king. The houses of the protestants were pillaged and burned; the approaches to the towns and the high roads were covered with

the dead bodies of those who had perished by the hands of the soldiers, and who, having died out of the catholic pale, were denied burial. The convents, converted into prisons, were filled with women and girls, whom bigotry exercised all its ingenuity to torture in order to convert; hunger, whipping, close imprisonment, wrested from them what the eloquence of the catholic preachers had not obtained. The refugees who followed, added to the first accounts details more and more frightfully odious, and all these wrongs and sufferings they charged upon the jesuits, directors of the conscience of Louis XIV. These foreign protestants were received with a mournful but eager welcome by men who remembered the similar horrors to which persecutors of the same order had recently given up the west of England. Nor were they forbidden to testify their interest in these exiles, to clothe them, to feed them, and make public collections for them; for James, not yet sure of his means for the great work he meditated, and which Louis XIV. had just accomplished, had thought it advisable to express publicly a reprobation of the revocation of the edict of Nantes as un-Christian and impolitic. (*wretched creature.*)

Parliament opened, and James addressed it as follows:—  
 “After the storm that seemed to be coming upon us when we parted last, I am glad to meet you all again in so great peace and quietness; God Almighty be praised, by whose blessing that rebellion was suppressed. But when we reflect what an inconsiderable number of men began it, and how long they carried it on without any opposition, I hope every body will be convinced that the militia, which hath hitherto been so much depended on, is not sufficient for such occasions; and that there is nothing but a good force of well disciplined troops in constant pay that can defend us from such as, either at home or abroad, are disposed to disturb us; and, in truth, my concern for the peace and quiet of my subjects, as well as for the safety of the government, made me think it necessary to increase the number to the proportion I have done: that I owed as well to the honour as the security of the nation, whose reputation was so infinitely exposed to all our neighbours, by having so evidently lain open to this late wretched attempt, that it is not to be repaired without keeping such a body of men on foot that none may ever have the thought of

finding us again so miserably unprovided. It is for the support of this great charge, which is more than double to what it was, that I ask your assistance in giving me a supply answerable to the expenses it brings along with it; and I cannot doubt but what I have begun, so much for the honour and defence of the government, will be continued by you with all the cheerfulness and readiness that is requisite for a work of so great importance. Let no man take exception, that there are some officers in the army not qualified, ~~according to the late tests,~~ for their employments: the gentlemen, ~~I must tell you,~~ are most of them well known to me, and having formerly served with me on several occasions, and having always approved the loyalty of their principles by their practice, I think them now fit to be employed under me; and I will deal plainly with you, that having had the benefit of their service in such a time of need and danger, I will neither expose them to disgrace, nor myself to the want of them, ~~if there should be another rebellion to make them necessary to me.~~ I am afraid some men may be so wicked to hope and expect that a difference may happen between you and me upon this occasion, ~~but~~ when you consider what advantages have arisen to us, in a few months, by the good understanding we have hitherto had; what wonderful effects it hath already produced in the change of the whole scene of affairs abroad, so much more to the honour of the nation and the figure it ought to make in the world, and that nothing can hinder a farther progress in this way, to all our satisfactions, but fears and jealousies amongst ourselves; I would not apprehend that such a misfortune can befall us as a division, or but a coldness between us, nor that anything can shake you in your steadiness and loyalty to me."

The nation and parliament had quite anticipated this speech; it was precisely on the two points which he desired to remove from all discussion, the utility of a standing army and the dispensing with the tests, that protests were getting up. The army now amounted to fourteen thousand men; under the late reign it had never exceeded six or seven thousand. Nothing had, at first, been said about this increase, on account of the circumstance which served it for a pretext; nor had they, in the crisis of danger, opposed commissions being given to papists. But there were now no rebels, and



the public protested against the troops, raised to combat them, being kept on foot; and more especially, against their being kept up with all their regularities which had crept into the army under an organization so hastily framed. The two houses for some days hesitated at passing from the submission which they had hitherto displayed, to a resistance of which James desired, as it were, to make them ashamed; but it was necessary either to declare themselves decidedly, or to subside into eternal silence, and the misery of the French protestants spoke louder than all considerations of prudence.

The question came on first in the upper house, as to whether the speech from the throne should be responded to by the usual thanks. The duke of Devonshire said that they ought to thank the king for having explained himself without evasion, and for having told them what they were to expect from his government. This daring speech compromised the house, if it abstained from an address in reply; an address was therefore voted; but, a few days afterwards, the speech from the throne was taken into consideration, article by article. The partisans of the court insisted that this proceeding was unbecoming after an address which had sufficiently expressed the opinion of the house. Their adversaries replied that they had only consented to the address as to a simple form, and that they were now about to show that they would not have the laws infringed. The bishop of London declared that, in the name of all the spiritual peers, he protested against the violation of the tests, without which he saw no liberty or guarantee which could withstand the evil designs of the catholics. The temporal lords, Mordaunt, Nottingham, and Halifax expressed the same views, in more energetic terms. The chancellor Jeffreys attempted to interrupt them by some of those insolent apostrophes which were permitted elsewhere; but he was taught to respect a place which his very presence contaminated, and, not daring to express himself in invective, he could say nothing at all.

In the house of commons the debate was more searching and more animated. Middleton, the secretary of state, after having commented at length on the king's speech, demanded, not only that it should be gratefully responded to, but that the house should immediately occupy itself with the subsidy which the increase of the troops rendered necessary; he

seemed to hope that, with regard to the augmentation itself, and the commissions given to catholic officers, the house would yield to the opinion of the king, "a great soldier, as well as a great king." Many members interrupted him with exclamations of indignation and surprise. Others, till now of opposite sentiments, exclaimed with equal energy against the abolition of the tests; calmer remonstrances followed: in an imposing discussion, the illustrious voice of Seymour was still heard; voices hitherto unknown were received with applause, speaking, for that first time, the language of liberty. It was but too clear a foresight, said they, that heretofore pointed out the dangers to which religion would be exposed, if a popish king ascended the throne; a papist king had now brought with him a papist army, which he was organizing to oppress the people, whom meanwhile he sought to deceive by fine words from the throne; that, in order to appreciate what attempts were meditated, they need only compare the last royal speech with that which had gained the confidence of the first parliament and induced the house to vote an enormous civil list, which still was not enough, and to condemn offences similar to those which had before precipitated the throne into the abyss of the revolution. Others said that it was an insult to the feelings of the nation to declare its militia incapable of defending the crown and the land; whereas it was to the zeal of that militia that the prompt dispersion of the rebels was due; that instead of disbanding the militia, it ought to be extended; that they would rather pay double to men whom they did not fear, than half to men whom they must always dread.

When they came to the vote, it was evident that the enthusiasm of many members, however acceptable to the majority, had not destroyed in it the fatal idea, that it would be a great misfortune too grievously to displease the king. Various compromises were proposed: that which had the majority of votes was to grant the sums demanded by the king, but to grant them *to render the militia more efficient*, and not for the augmentation of the army, and to add to the bill a petition that the king would no longer employ popish officers. Some suggested an exception in favour of the popish officers who had rendered signal services to the king; but the petition passed without this addition, which would have altogether neutralized it. It ran thus:—"Most gracious sovereign: we,



your majesty's most loyal and faithful subjects, the commons in parliament assembled, do, in the first place, as in duty bound, return your majesty our most humble and hearty thanks for your great care and conduct in suppressing the late rebellion, which threatened the overthrow of this government, both in church and state, and the utter extirpation of our religion as by law established, which is most dear unto us, and which your majesty hath been pleased to give us repeated assurances you will always defend and support, which, with all grateful hearts, we shall ever acknowledge. We further crave leave to acquaint your majesty that we have, with all duty and readiness, taken into our consideration your majesty's gracious speech to us: and as to that part of it relating to the officers in the army, not qualified for their employments, according to an act of parliament made in the 25th of the reign of your majesty's brother, entitled, 'An Act for Preventing Dangers which may happen from Popish Recusants,' we do, out of our bounden duty, represent unto your majesty, that those officers cannot by law be capable of their employments, and that the incapacities they bring upon themselves thereby, can only be taken off by an act of parliament; therefore, out of that great deference and duty we owe unto your majesty, who have been graciously pleased to take notice of their services to you, we are preparing a bill to pass both houses for your royal assent, to indemnify them from the penalties they have now incurred; and because the continuing of them in their employments may be taken to be a dispensing with that law without act of parliament, (the consequence of which is of the greatest concern to the rights of all your majesty's subjects, and to all the laws made for the security of their religion,) we therefore do most humbly beseech your majesty that you would be graciously pleased to give such directions therein that no apprehensions or jealousies may remain in the hearts of your majesty's good and faithful subjects."

On receiving this address, James vehemently complained of the house. The guarded forms of parliamentary language, the assurances of devotion and respect, only served to aggravate their audacity. Their thanks with regard to the Anglican religion, saved, they said, by the victory gained over the rebels, looked like derision. Their promise of pardon to the



popish officers who had accepted commissions was an insulting defiance of the sovereign, who had been pleased to laud their services, and who had declared his intention to continue to them his confidence and his favour. Their request that he would dismiss the popish officers as excluded by the Test Act, a law, they said, which parliament alone could revoke, and which it was determined to maintain as indispensable to the tranquillity of the kingdom, was (in point of fact) a command. James replied by a message, in which rage was tempered with duplicity: "I did not expect such an address from the house of commons, having so lately recommended to your consideration the great advantages a good understanding between us had produced in a very short time, and given you warning of fears and jealousies amongst ourselves; I had reason to hope that the reputation God hath blessed me with in the world, would have created and confirmed a greater confidence in you of me, and of all that I say to you: but however you proceed on your part, I will be steady in all my promises I have made to you, and be very just to my word in this and all my other speeches."

The house at this message manifested some uneasiness. James had touched the sensitive chord of the majority in referring to the consequences of a rupture. They had wished him, instead of mixing up his last speech with those which had been contradicted by him in so alarming a manner, to have reverted to his original promises; vague as they were, they would still have been satisfaction to some extent. A member, named Coke, suddenly breaking the silence, exclaimed with warmth: "I hope we are Englishmen, and that we are not afraid of hard words;" the partisans of the court denounced this exclamation as an insult to the king. Those who had voted the petition, fearing to seem desirous of more even than they had asked for, deemed it expedient to require an apology from Coke, and, on his refusal, sent him to the Tower. It was enough, they thought, for the house to keep to the defence of the tests. Every day saw members hitherto considered as sold to power, rallying round that system of opposition, which, under the late reign, had defeated the papists. An observation like that of Coke's, had it been otherwise received, would have checked them and thrown them back into the fear of the excesses committed by the

exclusion parliament. The public mind, intent upon what was passing in parliament, took courage on seeing such un hoped-for conversions, and endeavoured to extend and support them. The very petitions which at the meeting of parliament had vainly complained of electioneering frauds and violence, were now taken into consideration. The signers of these petitions sent forth a public declaration that, notwithstanding the irregularity of which they had at first thought it their duty to complain, they acknowledged as good and faithful members all those who had since given their votes for the maintenance of the tests, and that they would re-elect them in case of a dissolution.

The complaints of the petitioners were now therefore directed only against those members who had voted against the address, and the reigning faction was about to see the parliament and the nation once more reconciled, or rather, together aroused from the long oblivion of their common duties.

James had decided upon dismissing parliament as soon as he felt himself incapable of controlling it; but he had so fixed his heart upon obtaining from it the abolition of the tests, and he was so convinced that the nation would not murmur at this, if the measure were sanctioned by parliament, that he employed a tone of conciliation not at all belonging to his character. He sent for all the leading members of the opposition, one by one, argued with them their objections, solicited them and cajoled them, but in vain. Most of them flatly refused him their votes, others required time to reflect, and all ultimately ridiculed this new plan of private lecturing on the part of the king. James continued his petty intrigues and his fruitless taking to task, but prorogued parliament until the month of February in the following year.

One resource presented itself to him, that of procuring from his faithful parliament of Scotland the suspension denied him in England. In his opening address to that assembly, he reminded the lords and burgesses of Scotland of the proofs of devotion they had given him for the last six years, praised their conduct in the last insurrection, spoke of his clemency so largely experienced by the rebels: and passing from these, by a somewhat forced connexion, to the catholics, he said: "And whilst we show these acts of mercy to the enemies of our person, crown, and royal dignity, we cannot be unmind-



ful of others, our innocent subjects, those of the Roman catholic religion, who have, with the hazard of their lives and fortunes, been always assistant to the crown in the worst of rebellions and usurpations, though they lay under discouragements hardly to be named. Them we do heartily recommend to your care, to the end that, as they have given good experience of their true loyalty and peaceable behaviour, so by your assistance they may have the protection of our law, and that security under our government which others of our subjects have, not suffering them to lie under obligations which their religion cannot admit of. By doing whereof, you will give a demonstration of the duty and affection you have for us, and do us most acceptable service."

The earl of Murray, charged, in his capacity of high commissioner, with delivering this speech to the Scottish parliament, added some observations and comments, as usual; but, whether from timidity, or from attachment to the Anglican religion, said not a word about the catholics. Some members, more zealous than he, proposed, in answer to the king's speech, that the catholics should be permitted the private exercise of their worship, but without for this purpose abrogating the Anglican laws. Though this concession was very far from what James had expected from the house, a very warm opposition was raised; bishops, burgesses, temporal lords, all protested against it; the very men who the year before, under the alarm of Argyle's insurrection, had, in the preparation of several acts against the doctrine of resistance, exhausted all the forms of adulation, all the protestations of passive obedience. James could not in the least comprehend so sudden a change; he politically attributed it to want of address on the part of lord Murray, but deemed it, meanwhile, unadvisable to retain the Scottish parliament any longer. It was useless to think of convoking one in Ireland; the protestant nobility and burgesses there, who possessed the whole wealth of the country, were then engaged in a struggle against the earl of Tyrconnel.

But the abolition of the tests was a thing resolved upon in the catholic council, and for this a sanction of some kind or other was required, as they dared not yet proceed upon the royal will alone. *They could not resist without* Chance, or the machinations of the catholics, created an affair which brought the question of the tests



under another form before the court of king's bench. This court had not the power to abolish the Test Act, but it might consider whether the king had the right of exempting particular subjects from the formalities. The coachman of sir Edward Hales, a gentleman of Kent, denounced his master for not having taken the tests, though he held an office under government, and claimed the reward of 500*l.*, which the law assigned to the informer. Hales was brought to trial; it was no longer Jeffreys, but a gentler magistrate, the brother of admiral Herbert, who now filled the office of lord chief justice. The king did not leave to him the choice of the judges who were to decide upon the claim of Hales' coachman; he closeted himself with the judges one by one, dismissed some, and got those who replaced them, "ignorant men," says an historian, "and scandalously incompetent," to acknowledge his dispensing power. The arguments employed by James in these private conferences were doubtless those which we find developed at length in his Memoirs; for instance, "there is no law whatsoever but may be dispensed with by the supreme lawgiver, as the laws of God may be dispensed with by God himself, as it appears by God's command to Abraham to offer up his son Isaac."

The judges of the king's bench, after a trial, the procrastination of which gave time for all sorts of manœuvres to obtain success, pronounced a despicable judgment; but, at least, by assigning no grounds for it, avoided a repetition of the pitiful arguments of James. They declared, almost in the very language used by the crown counsel:—1. That the kings of England are sovereign princes; 2. That the laws of England are the king's laws; 3. That therefore it is an inseparable prerogative in the kings of England to dispense with penal laws in particular cases, and upon particular necessary reasons; 4. That of those reasons, and those necessities, the king himself is sole judge; and finally, which is consequent upon all, 5. That this is not a trust invested in, or granted to the king by the people, but the ancient remains of the sovereign power and prerogative of the kings of England, which never yet was taken from them, nor can be.

The case thus decided, the king thought he might rely upon the respect always felt by the English people for the decisions of the higher courts, to exempt all his catholic

subjects from the obligations of the test. And upon this, it became no longer a question merely of preserving in their commissions and offices those whose dismissal had been demanded by parliament. This first success raised the pretensions of the catholic party, and the exception expunged was set down as a general rule. To obtain (or to retain) certain employments, it was necessary to be of the same religion with the king. Papists replaced in the army and in the administration all those who had pronounced at all energetically for the maintenance of the tests. Abjurations,--somewhat out of credit during the last session of parliament,--again resumed favour. The mysteries of catholicism became the common topic of conversation at court,--and in the upper circles of society. While throughout the kingdom collections were being made for the victims of the revocation of the edict of Nantes,--Versailles was copied at Whitehall. Lay converters went about making proselytes amidst fêtes and frivolous amusements. Those who had favours to obtain were eager to listen and to seem to profit; men,--notorious for the irregularity of their lives,--affected to be struck with sudden illumination; others, to the no vast scandal of the true believers, listened for awhile to the exhortations of the priests,--and then suddenly disconcerted them by some profane sarcasm.

The famous colonel Kirke, closely pressed to become a papist, answered that he was pre-engaged,--having promised the emperor of Morocco,--if he ever did change his religion, that he would turn Mahommedan. The earl of Mulgrave answered with much more wit the jesuits who were maintaining the dogma of the real presence: "that, after a great deal of pains, he had got himself to admit the existence of a God, creator of man; but that he should require very substantial evidence before he could believe that man,--quits with his author,--could create God in his turn." The earl of Middleton had been long importuned by a missionary. The latter commenced the conversation one day with this question: "You believe in the Trinity,--do you not?" "Softly," answered the earl; "who told you so? The business in hand is your belief, and the proofs you have to give me for it; and not at all mine." The missionary withdrew in confusion. James had himself undertaken the conversion of Rochester, the lord treasurer. He attended a conference which the latter

*i.e. all night, some, even, being -*  
 consented to have with some catholic priests. The priests having talked a long time about transubstantiation, Rochester contemptuously shrugged his shoulders: "And this is all you've got to say to make a man change his religion?" And so the conference ended. *(The real question of course was not theory but arbitrary power.)*

These daring sallies, - sanctioned in the high lords, - were repeated in public, which looked upon them as some satisfaction for the insolence with which the jesuits and monks of every denomination presented themselves everywhere. They built chapels and convents in the most populous quarters of London; Franciscans, - Carmelites, - Benedictines, - walked the streets in the habits of their order; their cloisters arose at the very gates of the palace of Saint James: they preached in public, - few people followed them, - but crowds went to the Anglican churches. It was here that the public discontent found materials for its expression. The protestant ministers took one by one all the arguments which they had heard supported in the catholic chapels; they attacked alike the principles of the foreign theologians, - and the composition of their sermons - a medley of English, Italian, and French; they excited against them at once hatred and ridicule; they rekindled the religious zeal of the congregations by fervently imploring the divine protection, - and by showing persecution about to fall down upon the English church, - as upon the protestant church in France. The sermons of some of the more celebrated, - after having moved numerous audiences, - were reproduced by the press, and read and re-read in people's houses.

*each fellow*  
 One day, doctor Sharp, rector of Saint Giles's, and one of the most popular preachers, received, as he descended from the pulpit, a note, - without signature, - containing a sort of challenge upon one of the controversial questions which then occupied men's minds; he re-ascended the pulpit, - read over the anonymous propositions, - and immediately extemporized a reply, which was afterwards printed. As, in his fervour, he had not spared apostates from the Anglican church, - the principal passages of his discourse were declared to be seditious. Converted hypocrites and catholic preachers, furious at being unable to struggle successfully against adversaries more eloquent and more listened to than themselves, had long desired a pretext for fettering the liberty of controversy; they pretended that some of the reflections



of Sharp referred to his majesty and his government, whereupon James directed the bishop of London to suspend the doctor. The bishop felt it his duty to refuse to pronounce such a suspension without the previous decision to that effect of an ecclesiastical court. The unexpected resistance of the bishop gave a very serious character to the affair of Sharp, and caused the court much embarrassment: at length, it conceived that this was an opportunity for carrying out an idea of lord chancellor Jeffreys. Since he had quitted the office of lord chief justice, - he had found himself, - much to his annoyance, - less useful, - and in order to bring himself forward once more, he had advised the re-establishment of the old ecclesiastical tribunal, - the court of high commission, - which was abolished by the parliament of 1640. This tribunal, of which he proposed to be president, - was to be called the Court of Delegates; it was to consist of at least three members, - bishops, or temporal lords, - at the will of the king; it was to inquire into all abuses punishable by the censure of the church; to summon before it ecclesiastics, - of what rank soever, - charged with offences committed in the exercise of their functions, and to judge them without appeal. It suited the king to transfer to a tribunal of this kind the high ecclesiastical jurisdiction attached to his supremacy, - and the exercise of which appeared to him incompatible with the duties of a different religion, - and the papists would find their account in an institution which rendered such a man as Jeffreys supreme arbiter of controversies in which they felt themselves defeated. The court of delegates was accordingly established, - and the bishop of London immediately cited before it.

Jeffreys presided; the earl of Rochester, - the bishops of Durham and Rochester, - and the earl of Sunderland were the judges present. Being asked why, after the express order of the king, he had not suspended doctor Sharp, accused of seditious preaching, the bishop answered, that he had followed the advice of persons well versed in civil and canonical laws; that if he had transgressed the law, it was not from any wilful fault on his part, but from ignorance and inadvertency. "*Ignorantia juris non excusat*," cried Jeffreys; "you ought to have known the law, - and it was a wonder you did not." The bishop protested that not only did he not know the law

(- they knew of course that the Bishop wouldn't dare to say that the preaching was not seditious - however he might have left it.)

i.e.  
more by  
power

made, for  
Court, by

which they seemed disposed to apply to him, but that he did not know the commission in virtue of which the court proceeded against him. "It would appear, my lord," said Jeffreys, sneeringly, "that you design to quarrel with the jurisdiction and legality of this court. No copy of the commission can be granted, and it is unreasonable to desire it; it is upon record, all the coffee-houses have it for a penny a piece, and I doubt not but your lordship has seen it. Might every one that appears here challenge the sight of our commission, all our time would be taken in the reading, and we have something else to do. The proceedings of courts in this kind are never by libel and articles: *Sapientem succinctim ore tenus*, by word of mouth only; and it is a short question I ask: Why did you not obey the king?" The bishop said it was indeed a short question, but it required more words to answer it, and a certain time to prepare that answer. Then, addressing himself directly to Jeffreys, he added, with dignity: "I pray your lordships to consider I am a peer, a bishop, and have a public trust, though unworthy, under a public character; and I would behave myself as becomes one in these capacities."

Jeffreys stammered out a few words in apology, and after a short deliberation with the other judges, announced to the bishop that the court granted him a week to prepare his defence.

In the second sitting, Jeffreys exhibited the same brutality as before. The bishop, wishing to gain time, said, that he had not been able to prepare his defence, and that up to that day he had altogether in vain had search made in the coffee-houses of London for the commission which the chancellor had told him he might find there. Jeffreys, thus recalled to this impertinence of the first sitting, made a pretence of explaining it. He told the bishop that in informing him the commission might be found for a penny in the taverns, he did not mean to convey that a person of his character could frequent such places. The bishop obtained a further delay of a fortnight. On his third appearance, as at his first, he denied the competency of the court; but Jeffreys showed so little inclination to allow this proceeding to continue longer, that it was necessary to go into the real matter of the case. Four counsel pleaded, one after the other, and sought to prove that the bishop had obeyed the king constitutional in dis-

obeying the king personal; a distinction which the court was not disposed to admit, for it was by this same distinction that the presbyterians had heretofore been led from resistance to insurrection. The bishop, by decree of the court of delegates, was suspended from his functions. The trial had been watched with eager interest, not that there was any fear for the life or liberty of the prelate, but because in his person the cause of the Anglican church was being judged. The punishment, though not a severe one, alarmed the preachers, but still, while the suspension lasted, the clergy of London and the zealous members of the church of England exhibited a deference and submission to the bishop, as bishop, far greater than before. His recommendations were better obeyed than any orders he could have given in the regular exercise of his functions.

The trial of the bishop of London took place at the close of the year 1686. At that period, the preponderance of the catholic party in the ministry, in the privy council, in the administration, and in the higher ranks of the army, was no longer contested. The exemption from the Test had, in a few weeks, done for this party what its establishment, under the Cabal, had done for the protestant opposition. Scotland was governed by papist lords; Roman-catholic priests had dared publicly to celebrate mass in Edinburgh; the people had risen to destroy their chapel, but examples had been made of the leaders of the outbreak, and calm was re-established. In Ireland, the earl of Tyrconnel was completing the reorganization of the regular troops. He wrote that there would soon remain none but Irish soldiers in the ranks; that all the officers were catholics; that it was time to restore their political rights to the Irishmen who professed the religion of the king; that he was about to introduce them into the municipal corporations, or to remove the charters of recusant bodies; that the only obstacle to the execution of this measure was the presence of the earl of Clarendon. Hereupon, the earl of Clarendon was recalled. (*of course he was.*)

Thus things rapidly progressed in the three kingdoms. Arbitrary power, armed in Ireland and in Scotland, intimidated the protestants; in England, the court of delegates shackled and depressed the opposition of the Anglican clergy. The whole scheme now rested upon the army; it had hitherto



been obedient; but the caresses lavished upon it fully showed it the importance attached to it; the principles of loyalty and absolute devotion which it had been sought to inculcate upon it, reminded it of other principles, of which nothing was said. *duty and respect.* James aimed to display in the eyes of the soldiers the qualities of a chivalrous king. His interests according with his military mania, had given him the idea of forming at Hounslow Heath a camp of eight or ten thousand men. He frequently visited it, and occupied himself with puerile ostentation in the most petty details of clothing, training, and discipline of the troops; their pay was regularly given them, and increased by special bounties. The court party had reckoned on the effect which such a display of devoted troops would produce in the public mind; but it happened on the contrary, that the soldiers of the various regiments thus assembled interchanged their feelings of discontent and of hatred towards the popish officers who commanded them, and the chaplains whom they incessantly saw by the side of the king. The existence of the camp was soon less beneficial to the views of the court than favourable to certain experiments upon the troops by the other party.

*i.e. to be firm*  
*Turncoat*  
*very*  
 In the camp at Hounslow, the object of his solicitude, James had the vexation of witnessing the success of a pamphlet addressed to the soldiers, and profusely circulated among them. It was entitled, *Remonstrance to the Army*, and was by Mr. Samuel Johnson, author of the book, entitled *Julian, the Apostate*, which had been condemned by the university of Oxford at the time of the royalist reaction. Johnson, in appealing to the soldiers, instead of losing himself in the futilities of a controversy which the papists no longer kept up except by decrees of the court of delegates, had acted with equal sense and courage. In reminding the soldiers that they belonged to the nation by the ties of blood and the obligations of citizens, before they belonged to power by their profession, he had excited in them sentiments which, despite all seductions, are never completely extinct under the cuirass, and produce a powerful and angry action, when a difficult position explains to them, at length, the enigma of passive obedience.

The agitation produced in the camp by the Remonstrance was quite manifest; the work, however, had been drawn up with all the discretion which its very daring required; and

accordingly, slight hold upon the doctor presenting itself in the form of his production,—they punished its intention; the more criminal they found this, the better did they prove that he had hit the vulnerable point. The court of delegates condemned him to the pillory,—and to whipping,—the punishment of the vilest malefactors.

From the camp at Hounslow, Johnson's pamphlet, rendered still more popular than ever by the prosecution of its author, made its way to the fleet,—and was received by the sailors as it had been by the soldiers. Their feelings were evidently those of the nation at large. They did not burst forth in plots, ever the sure indications of the weakness of parties. A lofty hope sustained men's minds, and rendered them strong and merely patient,—when perhaps power deemed them most docile. James was in his fiftieth year; a somewhat irregular life had exposed him at an early age to complaints still encouraged by secret debaucheries, of which the queen,—his second wife,—was,—it was said,—the victim; the queen, already four times deceived in the hope of giving an heir to the crown,—was,—although still young,—very sickly, and had now been sterile for seven years: thus the princess Mary, wife of the prince of Orange, would be called, by her rights, to repair the evils of the protestant religion; the people relied on her attachment to that religion, and upon the wisdom of the stadtholder,—for the re-establishment of the national liberties, and were decided upon waiting for the natural course of things to bring about this remedy; experience teaching them to prefer this to the extreme measures which were rather calculated to perpetuate the evil than to destroy it.

But this prospect of the accession of William, in right of the princess his wife, was not overlooked by the reigning party in England. That which put the nation in heart, disturbed this party amidst the intoxication of its triumphs; the less its encroachments were resisted, the more was it compelled to the belief that the weakness was a thing of calculation; that people spontaneously yielded ground in order to achieve the legitimate and invincible obstacle which would arise from the right and will of the prince of Orange. Each day brought this end nearer; what would become of the catholic religion after the death of the king? The prospect did not inspire



them all with the same ideas; some it struck with irresolution, others it armed with an energy capable of daring everything. There were consequently two catholic parties; the one, the moderate catholic party, to which belonged most of those who became converts from interested motives, and the less zealous catholics, who simply wished their religion to be tolerated; the other, the high catholic party, at the head of which were the jesuits. It was for these that the earl of Tyrconnel was labouring in Ireland. The monks of every order who were seeking to create property for themselves in the country, who were building convents there, and opening chapels and schools, and the men so compromised by their acts of violence as to have reason to fear any re-action, however moderate, — all such were high catholics. Barillon, the French ambassador, and a few priests, — secret agents of the court of Rome, — inclined to the moderate party.

James hesitated. He wished that, during his life, his religion might be so firmly established in England as to have nothing to fear after his departure; yet still he felt some scruples at assailing the right of his daughters, the princess Mary, and the princess Anne, — wife of prince George of Denmark. The latter was then with him; with the eldest he corresponded in the most affectionate manner; he endeavoured to induce her as well as her husband to approve of his interpretations of the constitution, and his claim to the dispensing power. He hoped thus to conciliate both the low and the high catholics. The former represented to him that he ought to give up the idea of establishing the catholic religion in the kingdom in his lifetime; that it was enough for his glory to have begun the work, that he compromised it by seeking to urge it forward by violent means; that with gentleness he might effect its continuing its work by persuasion, under successors of a different religion; that it was thus he should view the interests of Heaven, interests enduring and not those of a day, like the life of men and of kings. But the high catholics besought him to remember that the catholic religion had already been established once; that queen Mary's hesitation had been the dupe of the feigned submission of that Elizabeth whom the protestants hoped to see revived in the princess of Orange; that to lose, by scruples such as those which had restrained queen Mary, the opportunity of for ever extirpating

(i.e. that he was soon to disinherit his daughters.)



the protestant heresy from the kingdom, would be a weakness unworthy of a king, born to be obeyed, and hitherto so miraculously protected by Heaven in all that he had undertaken in favour of religion; they added, - that history gave ample evidence how little the last wishes of kings were respected; that the revolutionists, - under the late king, - by doing their utmost to exclude his present majesty from the succession, had shown how they viewed the question between the two religions; that he ought to follow their example; that safety alone consisted in the conversion (or exclusion) of the protestant heirs. It was inevitable that the high party should triumph and carry the king with them, - because a counter-revolution will not stop of itself any more than a revolution. The moderate catholics were here what the presbyterians had been in the political revolution; they sought the end without the means; they indulged the preposterous hope of obtaining favour and protection for their religion under a protestant king, - as the presbyterians had yielded to that of perpetuating republican institutions under royalty. In one of those situations where parties must obtain guarantees by their audacity alone, the independents had convinced the nation of the powerlessness of the presbyterians; in a similar situation, - the last of the counter-revolutionists compelled James to acknowledge that they alone could suit his views. They drew him with them, and from that time he no longer belonged either to the moderate catholics or to himself. (*parties - as we all know - are usually dragged by their tail - they can't help it.*)

1642-1

1649-1

## CHAPTER IV.

## ABSOLUTE POWER.

(1686-1688.)

The jesuits at the head of the counter-revolution—First project for excluding the prince of Orange from the succession—System of religious toleration—Brief alliance, under this system, of the nonconforming protestants and the catholics—Embassy of d'Albeville and of Dykvelt—Success of Dykvelt in England—Fruitless efforts of d'Albeville to deceive the prince of Orange—Absolute power proclaimed by ordinance in England and Scotland—Resistance of the church of England men; the catholics abandoned by the nonconformists—Second plan of the jesuits with regard to the succession—Visit of the king and queen to Bath—Pretended pregnancy of the queen—Invasion of the universities by the jesuits—Useless efforts to form an absolutist parliament—Second ordinance proclaiming absolute power—The bishops refuse to read the ordinance—Trial of the bishops—Pretended birth of a prince of Wales—General demonstration of the people and the regular troops against the government of the jesuits—The protestant aristocracy prevent a new revolution by calling in the prince of Orange.

WHEN the catholics had made sufficient progress for it to become a question which religion should predominate, theirs or that of the church of England, the division which manifested itself among them was, not a rupture, but the disagreement which never fails to arise in parties upon the approach of great obstacles, between those who mistake and those who judge calmly, those who dare everything and those who hesitate. Up to the time when resistance had been resumed by the church of England and the parliament, lords Bellasis, Arundel, and Powis, formerly involved in the popish plot, the English jesuit Petre, omnipotent over the mind of the king, whom he had supported through his protracted disappointments, the

earl of Tyrconnel, commander of the troops in Ireland, the earls of Perth and Murray, charged with the government of Scotland, had been considered as the chiefs of the catholic party. Public opinion had also mixed up with them, or at least regarded as favourable to the catholic interests, the ambassadors of France and Spain, an Italian priest named d'Adda, secretly received at court in quality of papal nuncio, a Capucin, James's confessor, the minister Sunderland, the chancellor Jeffreys, and all the members of the ecclesiastical commission. But within a few months, lords Powis, Arundel, and Bellasis, almost as soon as they had taken their seats in the privy council, lost their credit at court; the French ambassador, the Spanish ambassador, the papal nuncio, united with those noblemen to oppose an influence which they began to consider dangerous; Jeffreys himself, by some hesitation in his conduct, showed that he felt himself outstripped. All the affairs of state were concentrated in the minister Sunderland, father Petre, the queen and the king; in Ireland, after the recall of Clarendon, the earl of Tyrconnel united in himself the civil government with the command of the troops; the earls of Perth and Murray retained their power in Scotland. The moderate catholics were entirely apart from the high catholics, and the latter had notoriously prevailed. Almost all of them were practised intriguers, formed amidst and prepared for, political and religious usurpations. Knowing from experience that the oppressed part has no mercy when it gets the mastery, they proposed to seek their safety by transmitting the crown to papist successors. *(i.e. they knew they could not afford to trust the Protestants)*

From this moment, then, the counter-revolution was no longer merely a conspiracy against the liberties and the religion of England, but against the right of the prince of Orange to the crown. As it was obvious to all that the exclusion of the prince was the last resource of the high catholics, as soon as they had possession of the helm of state, the anxiety natural under such circumstances, and the usual babbling of the court, gave birth to numerous projects with which the ruling faction had nothing to do. The French ambassador, in announcing to Louis XIV., much better informed on the subject than himself from the correspondence of father Lachaise, the ascendancy irrevocably gained by the high catholics, touched upon the reports already in circulation



with reference to the succession. "Men do not despair," said he, "of finding means, by and by, to make the crown pass to a popish king. For this purpose many things must be accomplished which are now but just begun."

The projects suspected by Barillon were then, as to their means, known to but a very small number of persons. There was at first a bold and very complicated plan: it consisted in legally excluding the prince of Orange, by invoking the precedent created by the whigs against the duke of York. No historian appears to have thoroughly fathomed this project; we do not find it developed in any of the correspondence between Louis XIV. and his ambassadors in Holland and England; doubtless they were unacquainted with its details, some of which would naturally have been kept from their knowledge. Nor does James confess it in his Memoirs; but we can trace it out in a system of acts, which, considered singly, would seem to belong to wholly divergent views.

The catholics recalled to mind that the parliament, before the affair of Oxford, had been upon the point of obtaining from Charles II. his assent to a bill excluding the duke of York as a papist, and nominating the prince of Orange in his place. They did not doubt but that the nation would have accepted this substitution as legitimate; and they thought it would be possible to succeed where the whigs had failed from want of the royal sanction; that to effect this, it would be simply necessary to obtain a parliamentary majority as hostile to the church of England as that of the whig parliaments had been to popery. Now, in the later parliaments it was not the members of the church of England, but the republicans and the nonconformists, persecuted since the affair of Oxford, who had composed or led the majority, and so powerfully agitated public opinion. They had, indeed, ruined themselves by menacing the established church, after having prostrated popery; but this defeat was explained by the reconciliation which had then been effected between royalty and the English church. If the high catholics could now unite with these, and excite them to resume their old attacks upon the Anglican church; if, for the future, they were guaranteed the free exercise of their worship, on condition that the same liberty was granted by them to the catholics; might they not raise against the English church, Scotland, wholly presbyterian,

Ireland, almost wholly catholic, and in England a rich and considerable portion of the population, the same which had crushed episcopacy at the commencement of the revolution, and who, under the late reign, had suffered so deeply from the persecution of the Anglican tests. Having thus persuaded so great a variety of interests to demand the suppression of tests and the free exercise of worship, would it not be easy to induce the majority of the parliament, not as yet dissolved, but only prorogued since its refusal to acknowledge a dispensing power in the king, would it not be easy to make it take a different view of what it had done on the question of the abolition of tests? And if it refused to hear the voice of a new public opinion, would it not be easy, by introducing, by means of new charters, the catholics and the nonconformists into the corporations, to procure a house of commons composed of partisans of the free exercise of worship? The high catholics regarded all this as quite practicable; they took no heed to the transformations undergone by the elements of which they proposed to make use; they already saw themselves masters of a parliament adapted to their views, and resolved to make it vote the exclusion of the prince of Orange as hostile to the free exercise of religious worship, by which means the succession would devolve upon the second daughter of the king, who would become a convert to the catholic religion, or upon the young duke de Fitz-James, natural son of the king, or else upon the head of an heir *whom God would raise up*, according to the hope already expressed by the more daring.

Upon this plan, the high catholics undertook at once the conversion of the princess of Denmark, whose ambition gave some foundation for the hopes placed in her, the reconciliation of the catholics and the nonconforming protestants, the re-composition of the corporations, according to their principles, and lastly, the public and private demonstration of the advantages which would result from the free exercise of religious worship. It was a strange spectacle to see that court, lately rejoicing at the sanguinary exploits of Jeffreys, all at once preaching up the philosophical dogma of religious toleration, and declaring war against the church of England as the eternal enemy of that toleration. They drew from the archives the reports of the proceedings, which recalled the odious



Anglican persecutions under the ministry of Clarendon, and in the last reaction. They endeavoured to prove to the protestant nonconformists that the catholics were their natural allies, and the members of the church of England their common enemies. The nonconformists now only formed one body; common misfortunes of long duration had reconciled, but had also greatly reduced in number what remained of the old revolutionary sects, of the presbyterians, the quakers, the anabaptists, and the independents. Overtures were made to the heads of these different sects, to see whether they would support, in the corporations or in parliament, a law which should put an end to all religious quarrels by abolishing the penal laws against dissent, and by suppressing the tests which closed the career of office to the nonconformists. This new law, they said, should be perpetual, irrevocable, and published with all the solemnities which had formerly accompanied the promulgation of the great charter.

Some nonconformists allowed themselves to be persuaded, and among them Penn the quaker, who became the most fervent (as well as the most sincere) apostle of the new doctrine. Many, seduced less by the proposition itself, than by the idea of, in their turn, making use of royalty against their enemies the episcopalians, also began to declaim against the tests. The king, in all his excursions to the various royal residences, and while he was in London, sent for the more wealthy persons about, and the members of parliament, and closeted himself with them separately, in order to obtain their consent to the suppression of the tests. Toleration had become the favourite topic of his conversation. He reverted to it on all occasions, warmly condemned the revocation of the edict of Nantes, and showed himself eager to receive the French fugitives. The courtiers and the popish preachers had now no other theme, and gave enthusiastic pictures of the immense benefits which would result from universal toleration. They expressed themselves with such an appearance of conviction, or rather, there were such sad and speaking truths to be said upon this noble and expansive topic, in a country where, for two centuries past, men had been butchering their fellow men in order to establish religious uniformity, that at first people could not help giving attention to their discourses. Nowhere had sects been more



numerous, more mutually hostile, more deeply rooted in their own convictions; and yet, from the force of circumstances, these interests had become so intersected, so mingled, combined in so many various ways, that the new combination, frankly proposed by any other men than James and the high catholics, would not, perhaps, have been impracticable. But how was it possible to put faith in the toleration of a king whose nickname of Cameronian hangman and Cargillite hangman, still attached to him, or in the good intentions of those jesuits against whom so many terrible accusations were still fresh in mens' minds? The nonconforming protestants frequently deliberated in their assemblies upon the propositions of the court, and ever hesitated to accept them as a body. The members of parliament closeted with the king gave only evasive answers. At the end of a few months, the high catholics saw that they should obtain nothing from parliament, and urged James to take the initiative in the great question of the abolition of the tests. He persuaded himself, as he tells us in his Memoirs, that, in virtue of the absolute power recognised in him by the judges of the king's bench, in the affair of sir Edward Hales, he might repeal by ordinance all the penal laws against the nonconformists; and these ordinances once promulgated, and having produced the good effects which he anticipated from them, he hoped that parliament would confirm them without hesitation. The matter having been discussed between him, Sunderland, and father Petre, it was agreed that the ordinance should be first published in Scotland.

In order to prepare mens' minds for its favourable reception, the court circulated in Scotland and in England pamphlets intended to diffuse the doctrine of toleration. The nonconformists were told that the private opinion of the king had always been that the free exercise of religious worship was a natural right; that, under the late reign, he had been at times compelled to assent to the persecutions required by the leaders of the church, which assumed exclusive right in England, but that he was now resolved to follow the dictates of his conscience, and to merit the gratitude of those of his subjects who, like him, had undergone suffering for refusing to take the Anglican tests. The presbyterian ministers were secretly invited to resume their assemblies, being merely recom-

mended to prudence, and not to forget that it was to the king they owed this high favour; the hope was further expressed that their sermons would breathe those sentiments of attachment which the king earnestly desired to merit, and to gain which he ran all hazards. The presbyterian assemblies upon this invitation reappeared, and to the great astonishment of the members of the church of England, those who attended them were no longer interfered with by authority.

Although determined to exclude the prince of Orange from the succession, the government did not think it expedient definitely to authorize the catholics and the nonconforming protestants in the public exercise of their worship, without taking steps with the prince which should lead him to suppose that he was still considered as the husband of the heiress presumptive, and that his approbation was deemed necessary in matters, the maintenance of which would eventually depend upon him. Penn the quaker, who had entered with full confidence into the feigned plans of religious liberty, had gone to Holland to make proselytes there among the English refugees, and, if possible, to bring over the prince and princess of Orange to views, the real secret of which was not confided to him. Penn spoke much, but he was mistrusted. The prince, however, concluded from his discourse that James was still well disposed towards him, and expressed a desire that a person should be sent to the Hague, with whom he might discuss the question of the tests, while he, on his part, would request the States to send as extraordinary envoy to England, a man in whom he placed entire confidence.

James eagerly adopted this negotiation; but he showed, by the choice of his envoy, that all he proposed was to deceive his son-in-law; the man whom he deputed was an Irishman, an obscure intriguer, a former spy of the Spanish government, which had given him the title of the marquis d'Albeville. The jesuits had no agent more corrupt, more venal, more discredited; but they valued in him a sort of cunning which rendered him suitable for such a mission as this, so replete with impudence. The States, upon the rumour of an approaching alliance between France and England against Holland, sent to James, at the request of the prince of Orange, the minister Dykvelt, one of their ablest statesmen. His instructions referred to general policy; but he was secretly



intrusted with the interests of the prince, which were already those of the Anglican church and of the protestant aristocracy. On the part of the high catholics, the negotiation was not serious. Accordingly, while Dykvelt declared the respectful opposition of the prince and princess of Orange to the suspension of the tests, and demanded explanations of the rumours abroad concerning the succession, d'Albeville was recriminating at the Hague. He complained of the encouragement given by the States to the refractory conduct of the church of England men; of the asylum which they gave to persons whose intentions the king his master had every reason to suspect; lastly, of the severity manifested towards several officers of the English regiments in the service of the States. He demanded that these officers, of whose devotion to his person the king was convinced, and who were then under arrest, should be released; that they should also deliver up to him doctor Burnet, one of the refugees of whom the king had most reason to complain; lastly, with regard to the tests which more particularly concerned the prince and princess of Orange, he repeated, but with an obvious want of conviction, what Penn had said in favour of the system of toleration adopted by the king.

With regard to the English officers, the States refused satisfaction. The prince and princess combated the arguments of d'Albeville as to religion, aided by doctor Burnet, the same whose surrender was demanded by James. Burnet, the author of the *History of the Reformation*, and of the valuable memoirs, the *History of his Own Times*, was one of the most distinguished men of his time, a philosopher animated with an earnest faith, a judicious partisan of that practical toleration which he did not wish to see erected into a principle by the catholics, for the benefit of their own religion alone; he had been by turns beloved, consulted, and persecuted by Charles II. and by James. Without compromising his character or bringing his good faith under suspicion, he had frequently been at the same time the depository of the secrets of the court and of those of the opposition. He had disapproved the protestant conspiracy, and defended those of his friends who had risked their heads in that deplorable affair. Having assisted Russell in his last moments, he composed upon that great and virtuous man delightful pages, which,

in  
1682-1683



long after the execution of Russell, drew tears even from his enemies. At length, in the last year of the reign of Charles II., he preached a sermon which the court chose to treat as factious. He then quitted England; he had visited France during the horrible dragoonings, Italy, Rome, during a pontificate<sup>1</sup> inglorious for the Romish church. Wherever he went, theologians and statesmen had eagerly sought from him at once the instruction and the approbation of a superior mind; even Louis XIV. had made advances to him. All that he saw in Europe strengthened his attachment to the constitution of his country and to Anglican protestantism, and thinking that the safety of these could only be secured by the prince of Orange, he had settled in Holland. He was high in credit with the prince, and was consulted by him upon the affairs of England, and assisted in drawing up most of the answers which baffled the insidious propositions and manœuvres of d'Albeville. No one laboured more successfully than he to enlighten the nonconformists as to the true aim of the caresses which were lavished upon them. His writings, printed in Holland, and almost always under some piquant title, were very much sought after in England, where they were clandestinely circulated. It was so greatly to the interest of the catholics to seize the doctor's person, that after the refusal of the States to deliver him up, he had to be constantly on his guard: he was warned on all sides that he ran the risk of being carried off by the agents of d'Albeville.

Among the refugees, there was also a Scottish lawyer, named Steward, a man of very remarkable talent, and in high esteem for the conduct which he had observed since the restoration. Rather than abjure the covenant, he had abandoned his profession and his country; he had always been regarded as the principal agent of the revolutionary movements there emanating from abroad. The jesuits contrived to gain him over to their system of toleration. He returned to England, was received at court with favour equal to that enjoyed by Penn the quaker; and, like Penn, devoted himself from conviction, perhaps from enmity to the church of England, to the great work of bringing the dissenting sects together. Earnest endeavours were now being made to in-

<sup>1</sup> That of Innocent XI.  
(1676-1689.)

troduce catholics and nonconformists into the corporations and popular magistracies. The king thought that this habit of living together would establish firm ties between them. It is true that the share of the catholics in employments was much greater than that of their new allies. Still, through the influence of Penn and of Steward, in the renewal of the city magistracies at the close of the year 1686, - a quaker was elected lord mayor of London, - and several presbyterians, notoriously opponents of the government under the last reign, were made police magistrates and aldermen. Lastly, in the month of February, 1687, - the ordinance which was to legalize these nominations and suspend the penal laws, was published in Scotland.

The tenour of this first ordinance proved that the high catholics, while calling the Scottish presbyterians to their aid, were unwilling too greatly to encourage their revolutionary spirit, and to deprive themselves for the future of the means of repression furnished with respect to them by the church of England tests. The ordinance drew a distinction between the moderate and the high presbyterians; it authorized the former to hold peaceable meetings within their houses, but with regard to the latter retained the strict prohibition of conventicles in the open air; it affectionately dwelt upon what interested the papists, faithful subjects, - it said, - and too long the victims of their devotion to the royal cause, too long excluded, under odious pretexts, from functions which their enduring loyalty rendered them so worthy to exercise. Accordingly, the king, in virtue of *his absolute power, - of his sovereign authority and royal prerogative, which all his subjects were bound to obey,* - willed that for the future the catholics should be deemed qualified to hold every kind of office, and that no other oath should be required of them or of other dissenters, - such as the moderate presbyterians and quakers, than that of fidelity to the absolute power in virtue of which the ordinance itself was promulgated.

A month afterwards an analogous declaration was published in England; it was adapted to the state of the dissenting sects in that kingdom, and manifested towards the nonconforming protestants none of the mistrust which excluded part of those of Scotland, - less capable, - indeed, - of using religious liberty with moderation. It dealt gently with parlia-



ment, expressing a hope that it would consent to a measure in which the king had thought it incumbent upon him to take the initiative. It did not assign the absolute will of the king as the only reason for the abolition of the tests; but it demonstrated, which was easy enough, that after so many efforts, for the last two centuries, to establish a perfect religious uniformity in the kingdom, it was clear that the only way to conciliate consciences was the ceasing to force them. All oaths of allegiance and of supremacy, and the various tests, were therefore suppressed until the approaching convocation of parliament. The king guaranteed to the English clergy the full and entire possession of its rights; he only took from it that of persecuting the nonconformists.

Most assuredly the two declarations addressed themselves to very powerful interests. The able men who had conceived the idea of arousing those interests against the long odious supremacy of the church of England, attacked it here in a formidable manner; but it was one thing to render the tests hateful to the mass of the nation, and another to bring into favour that absolute power, in virtue of which they were suppressed: the catholics might consent to the establishment of this power, which had no terrors for them; but the nonconforming protestants, while accepting with gratitude the religious liberty granted to them, by no means seceded from the members of the church of England as to the protests set forth by the latter against the principle of royal will placing itself above the laws. Upon the first point, the nonconformists sent addresses of thanks which gladdened the court, but they said not a word about the second; and it was now very perceptible that, with very few exceptions, they listened far more readily to the attacks of the church of England men upon absolute power, than to the declamations of the catholics against the rigour of the tests. It was successfully pointed out to them that these fine ideas of toleration were nothing new; that, under the late reign, the papists had preached them up in order to get themselves into office; that it was in despair of any other means that they were resorted to then, after a multitude of hideous plots; that the king himself, at the time of his alliance with the church of England, was the most ardent persecutor of the nonconformists; that he received, indeed, with outward kindness, the protestant exiles from  
*(in a word, that James promised were all "Moochins".)*



France, but that he gave a very different reception to the protestants whom the tyranny of lord Tyrconnel compelled to quit Ireland. In fact, since he had been lord-lieutenant and commander of the army, lord Tyrconnel, with all the energy of his character, had been pressing forward that part of the high catholic plan, which consisted in converting Ireland into a camp. He had taken the charters from the towns and the corporations, and dismissed all the protestants who had been employed under government, under the duke of Ormond and the earl of Clarendon. As he augmented the strength of his army in proportion to the increasing audacity of his enterprise, the rich protestants had no resource left them but to expatriate themselves. Some passed into England, others went to Holland, where it was the policy of the prince of Orange to give them a welcome reception.

The excesses of passion almost invariably betray the views of parties; the impatience to enjoy results, destroys the means of arriving at them; and thus the high catholics of England, while preaching liberty of religious worship, already gave manifest indications of an intention to render their own religion dominant. In order to secure the rising generation, it was necessary to have the direction of education: not content with having founded colleges where the catholic youth might be brought up secure from protestant seductions, they determined to invade the protestant universities themselves. In a preliminary attack upon that of Cambridge, they were repulsed; but after a very lengthened combat, they made their way into that of Oxford, which had lately so imprudently declared against the principle of resistance. The presidentship of Magdalen College became vacant; the king ordered the members of the college to elect one Farmer, a new catholic convert, one of those intriguants who, under all systems, barter their opinions for a place. The Fellows in answer laid before the king a list of the vices and misdeeds of his candidate. James pointed out a person of somewhat better repute, (Parker); the Fellows rejected him also, despite all the threats of the king.

This affair was already causing a great deal of excitement, when several letters from the jesuits of Liège to those of Friburg were intercepted in Holland, and despatched to England by the refugees. These letters spoke with rapture

of the prosperous state of the Roman-catholic religion, and of what the Society was doing to remove education from the hands of the heretics. "We are gradually gaining ground in England; we have got chairs of humanity at Lincoln, Norwich, and York, and at Worcester a public chapel, under the protection of the soldiery. Our brethren there are about to purchase some houses at Wigan, in Lancashire. Our interests are advancing most powerfully; fathers of our order preach before the royal family, and in the principal churches, where they attract crowded audiences of the faithful. They have bought some houses in the Savoy for 18,000 florins, which they are going to convert into a college."

The same letters, speaking of James II., gave particulars as to his bigotry, which completed the destruction, by the force of ridicule, of a system already odious from its tyrannical tendency. They intimated that the king had just been admitted to participate in the merits of the Society of Jesus, and had testified great joy at finding himself so adopted; that he declared the interests of the order were his own; that he would die a martyr rather than not complete, during his life, the conversion of his kingdoms; that, on one occasion, when a jesuit knelt before him, he raised him, saying that it was rather for the priest to receive such an homage from the king. The authenticity of the letters was proved by the information which they gave as to enterprises which were still secret at the time they were written. They announced the future elevation of father Petre to the dignity of cardinal, and his approaching admission to the privy council; the replacing the capuchin father, Mansel, in the post of confessor to the king, by father Warner, rector of the jesuits of Saint Omer, a minor revolution, not without importance to the projects of the high catholics. The letters finally mentioned an observation of the king which alluded to those projects: it was in answer to some one who was lamenting, in his presence, that his heir presumptive was an heretic: "God will give me another," said the king.

There was in fact nothing but this present from Heaven that could preserve the new catholic church from the accession of William. Parliament, despite all the efforts which had been made in the intervals of four successive prorogations to detach it from the English church, had in no degree fallen in



with that system of toleration which it had been hoped it would eagerly have adopted. But the government hesitated at dissolving it, for it was the royalist parliament obtained at the price of so much fraud in the first year of this reign. New elections, notwithstanding the changes in the corporations, would in all probability send in men still less favourably disposed. The plan of gaining time, and meanwhile continuing to work upon the public mind, as had been the course since the rupture with the English church, was becoming dangerous, for the ambassador Dykvelt, after fruitless remonstrances as to the affair of the tests, or that of the universities of Cambridge and Oxford, and on that of the publication of the two ordinances, began to threaten the government with public opinion, with the resistance of the whole English nation, unless they desisted; and intimated, broadly enough, that this resistance might find exalted and powerful support abroad. The catholics estimated the intentions of the prince of Orange, even better by their own, than from the words and conduct of his ambassador, and saw that they must anticipate him, in order not to be taken by surprise. They dismissed Dykvelt, and rejoiced at his departure, as at a commencement of success. Louis XIV., who has always been considered better informed than Barillon as to the intentions of the high catholics, directed that ambassador to do nothing which might prevent the rupture between the king and his son-in-law, *because, instead of having any disastrous result, it would facilitate the execution of his Britannic majesty's designs.*

To assist James in his new plans, the catholics had sent over to him as confessor, jesuit Warner, a man very learned in cases of conscience, and otherwise able, the intimate friend of father Petre. James no longer took any step but under the direction of one or the other of these two, a fact which soon got abroad. Father Petre was made a member of the council of state. Parliament was dissolved; meanwhile, they continued to labour at the bringing the non-conformists and catholics together, so as, by these means, to arrange a future parliament to their mind. The nuncio d'Adda was publicly received at Windsor; his retinue, composed of Romish priests and foreign monks, passed in ostentatious procession through London. Commissions in the newly



levied regiments were liberally distributed; fresh works were commenced in several fortresses, and additional armaments in all the ports. Amid these preparations, carried on with activity and ability, were heard various indiscreet boasts; and facts and words manifested, in the catholic party, a redoubled ardour, due probably to some daring determination. In fact, at this time, as the event showed, for the state deliberations were enveloped in the same secrecy which covered the gunpowder plot and the murder of justice Godfrey, the high catholics had resolved to meet the prince of Orange, not with acts of parliament, but with a prince of Wales. It was doubtless, from a knowledge of this extreme measure, that the marquis d'Albeville had ventured to say to the officers of the prince in Holland: "This English church, of which you talk so much, will within two years be but a body without life." (*i.e. about will you be when the king turns round?*)

As if the hope of obtaining fruitfulness for the queen by means of prayer and of medicine had all at once occurred to the high catholics, there was spread in the month of August a rumour of presents sent to our Lady of Loretto, for the success of a journey which the queen was about to make to Bath. The king himself was to conduct her. The most extraordinary accounts were circulated of the virtue of the Bath waters; their certain effect, it was said, would be to remedy in the queen the natural impediments under which she laboured. The king and queen, on their way, were to offer up their devotion at the chapel of Saint Winifred, very celebrated throughout Wales, for cures of the kind which the queen went to solicit; the pilgrimage and the waters together, it was confidently said, would at an early period bless her majesty and the nation with an heir to the crown.

The king set out on the first of September, and went first to Portsmouth. He had lately ordered considerable additions to the fortifications of this town, not towards the sea, despite the importance of the port, but towards the land, a plain indication of the idea which filled his mind, that he should one day have to defend himself against his subjects.

From Portsmouth to Saint Winifred's Well the king travelled slowly; he traversed the country which had been the scene of Monmouth's insurrection, and of the campaign of Jeffreys, and where, consequently, the religious and political

enemies of the reigning faction had suffered most severely from its tyranny. The public functionaries everywhere did their utmost to get up a brilliant reception for him. Their official harangues and compliments turned, as usual, upon the public joy, the devotion of his subjects, and the excellence of the administration. If anything could be more astonishing than the unblushing impudence with which all this rank flattery was represented as the expression of public feeling, it was the confident complacency with which James received them. In most of his answers, he introduced the abolition of the tests, and always in connexion with toleration. He put forward this new principle by an appearance of amiability towards every one; he addressed himself in friendly language alike to his friends and to his enemies, to those, even, who had been pointed out to him as adherents of Monmouth. The nobility and rich citizens were generally on the reserve: it was evident to them that by this conduct, so unlike the usual haughtiness of his bearing, the king's sole object was to canvass votes for the next parliament. Among the lower classes and the zealous sectaries, instincts and interests different from those which excited the distrust of the noble and wealthy opened men's hearts to the promises of religious liberty made by a king in person, and James, when he declaimed against the tyranny of the English church, was at times applauded. Obscure deputations waited upon him to declare their adhesion to the suppression of the tests, and were received with marked distinction. The court even accepted with gratification the address of the cooks of a small town, who said that consciences could no more be forced in matters of religion, than *tastes* in matters of the palate. The cooks so far were quite in the right, and the uncouth sympathy of the poor with the new principles of the court was affecting; but the rich, in whom were vested the great national interests, did not disguise their equally just suspicions, and regarded, as fallen into the lowest abasement, a power which sought allies in that class whence the millenarians and the levellers had heretofore recruited disciples.

At Chester, lord Tyrconnel waited upon the king, to receive his orders respecting Ireland: there was a wholly different system for that country than for England. The affairs of the catholics were there so advanced, that it was in im-



mediate contemplation to destroy what they called the establishment of Cromwell, that is to say, the arrangement of property, founded upon the great protestant colonization, which had "pacified" the country in 1652, and had held it in check during the whole reign of Charles II. The king thought that at least five years would be necessary to complete this revolution. Lord Tyrconnel proposed that, somehow or other, it should be accomplished within a year; that then Ireland, wholly separated from England by religion, should be placed under the protection of the king of France, so as, whatever happened, to offer to the catholics of England an asylum entirely free from the presence of protestants: his plans were approved of.

In passing through Oxford, the king received the homage of the various colleges. The authorities of Magdalen college, which, for nearly a year, had been in open resistance, presented themselves like the rest. The king assailed them with violent language, told them that his presence should settle the business, and ordered them immediately to elect the person whom he had nominated. A fresh vote had the same result as all those which had preceded it. James continuing his journey to Bath, handed over the authorities of the college to the Court of Delegates, and they were soon replaced by jesuits. On the sixteenth of October he returned to Windsor with the queen. A rumour was almost immediately spread as to the happy effects of the baths upon the latter, and early in November it was said that she was pregnant. By the end of that month, the news, repeatedly contradicted, was given out as certain. The impatience of the catholics, counting each day as two, already, in the middle of December, carried back to three months the period of the supposed conception. However, the 16th of October, after many changes, was the day adopted by the queen herself, and from which, for some time, the official calculations were based. The news spread by the court of the condition of the queen was more and more favourable; public thanksgivings were offered up in the catholic and protestant churches. Still everything around the queen went on mysteriously, and created the suspicion of an imposture, which numerous clandestine pamphlets sought to demonstrate. A narrative of the pregnancy assumed in former times by the catholic queen Mary, in order to exclude Elizabeth from the



throne, was reprinted, and by the simple motto, *idem iterum*, <sup>the old</sup> pointed out to the least prejudiced minds the precisely similar attempt now suggested to the catholics by the return of similar dangers. Indications in corroboration of this new fraud were not wanting. The queen, from necessity or want of foresight, herself furnished them. All employed about her person were papists. No one was admitted to her toilette as heretofore. The princess of Denmark, and the protestant ladies of rank, whose testimony would have silenced all suspicion, fruitlessly endeavoured, for the sake of the queen herself, and still more, for that of the child she pretended to bear, to obtain certain proofs, easily given to women. The queen affected scorn of all imputations, and continued to surround herself with the most impenetrable mystery.

Meanwhile, upon the strength of the pregnancy, or of the measures taken to insure the success of the fraud, the greatest efforts were made by the high catholics, that the convocation of an anti-Anglican parliament might be coincident with the birth of a prince of Wales. They hoped that this event would prostrate their enemies, and that the nation, accepting it as a pledge for the reigning family, and preferring the imputation of being duped to the being ruined by a civil war, would effect against the church of England what it had effected at the restoration and after the rupture of Oxford, against the republicans. The congratulations which James had received from the authorities during his journey, had led him to suppose that he should find them disposed to concur in the legal subversion of the church of England. He sent to the lords-lieutenant of the counties, after having exacted from them in writing a special oath of obedience, instructions of so strange a nature, that they were forced either openly to refuse to comply with them, or to feign not to understand them. Many adopted the latter course. The instructions were to form, in every county, a commission of three noblemen who should swear to devote themselves wholly to the will of the king. These three commissioners were to arrange the impending elections by visiting all the influential electors and other persons in credit, and giving them to understand what the king desired of them. In many counties the lords-lieutenants required explanations, urged difficulties, and by gaining time, contrived to avoid the responsibility of the cor-

rupt measure intrusted to them; others executed the orders of the court, and had his electioneering circuits carried into effect. The commissioners chosen by them went from town to town, saying to the rich inhabitants: If you are elected a member of parliament, will you consent to abolish the tests and the penal laws, affecting creeds? Will you give your vote to him whom his majesty shall point out? Will you live in peace with your neighbours, of whatever religion they may be, both in the kingdom and out of it?

To the first two questions, the answer was almost everywhere a decided negative; to the last, the ambiguity of which precluded its precise comprehension, a vague reply was given, but in terms so nearly the same everywhere, that they seemed the result of previous concert: "We will live in peace with all so far as the interests of his majesty and of the government established by law will permit." It was believed that the court referred to the catholics of Ireland and of France, now so evidently leagued against protestantism, and they desired it to be understood that they would not scruple to defend themselves against them by forming a protestant league.

The court, seeing itself defeated in the appeal thus made in detail to public opinion, again postponed the convocation of a parliament. It was evident to it, after such an essay of its influence, that the nonconformists returned would be a very small number. The latter, moreover, while very eager to enjoy the liberty which had been accorded them, were not by any means persuaded that this liberty would find its safeguard in the imposition, or even in the real birth of a popish successor. The court, therefore, recurred to the means employed in the preceding year. In the beginning of May a second proclamation of liberty of conscience was published. In its preamble, the king said that he was encouraged to renew his first ordinance by the large number of addresses of thanks and verbal assurances which he had received during his journey. The happy effects of this ordinance had already been amply appreciated, according to him, by all wise persons; the country had enjoyed the most profound peace. "If certain changes," he added, "had been made in the civil and military departments, it was because the welfare of the service required the removal of men obstinately attached to



the maintenance of tests, whose abolition had been acknowledged essential to the repose and prosperity of the country. The ordinance terminated with the formal assurance that a parliament should be assembled at the latest in November.

Last year, the catholics had confined themselves to publishing the ordinance by the medium of the official press. They now determined upon giving it a publicity more offensive to their enemies, and accordingly obtained from the council an order, directing the Anglican bishops to have it read twice in every church in their dioceses. The first reading was to take place on the 20th May in the metropolitan churches, and in all those within a circle of ten miles. It was thus that the famous proclamation of Oxford had been made known to all England in 1681; and it was kept in mind with what zeal the bishops had then rendered this service to the court, and had subsequently maintained, and had inculcated in sermons, the doctrine of passive obedience. The catholics thought that, in virtue of this doctrine, the bishops would now be obliged to act against themselves, and, as father Petre expressed it, to eat their own filth. But it was not to be so; for parties never deem themselves bound by the obligations which they impose upon others. The church of England men, heretofore absolutists against the presbyterians, were now independents as against the catholics. The bishops, before the day fixed upon for the first reading of the ordinance, assembled in London at Lambeth palace. The course of reasoning by which they passed from their principles of blind submission to the doctrine of resistance, exhibit those tricks of the intellect, by which men think, while contradicting themselves, to prove that they have never ceased to be consistent. "It is," said they, "illegal to dispense with the laws under circumstances contrary to the object of these laws. The king has no power to commit an illegal act. On the other hand, he is considered by the laws as incapable of doing wrong; therefore, the present declaration as to liberty of conscience cannot be regarded as proceeding from the king, since it is illegal: consequently, without failing in their obedience, the bishops cannot obey the order to publish the declaration." *(the old Tory notion, of course, being that no subject could have any question of legality)*

Founded upon these data, a petition to the king was drawn up, and signed by the bishops of Saint Asaph, Ely, Chester,

*Edw. R. Turner*

*R. Turner (Chester. Ep.)*



*Hen* *Jeffrey* *White*  
 Bath and Wells, Bristol, Peterborough, and the archbishop of Canterbury. They presented it on the evening preceding the day when the first reading was to have taken place in London. They endeavoured to show that it was not from a spirit of insubordination that they declared their repugnance to reading the declaration; nor was it from hostility to the nonconformists, for it seemed to them that the time had arrived when these should be treated with moderation; but parliament alone could alter the laws concerning them; and that what especially obliged the petitioners to supplicate his majesty not to insist upon the reading of his declaration, was that of its being founded upon a *dispensing power*, which parliament had always considered illegal. Now the church could not consent to give a solemn publicity to what parliament did not sanction. The form of the petition was respectful; it was filled with expressions of devoted loyalty, but still the refusal of obedience was distinct and positive. The protest against absolute power, though proceeding upon a nice distinction, was, under existing circumstances, an act of great public importance. In the absence of a parliament, the church served as the organ of public opinion. In the affair of doctor Sharp a first example of resistance had been given by the bishop of London. His trial had interested the whole nation; but here the resistance was collective; there was nothing in it alarming to the nonconformists, the petition, taking their situation also into its consideration, and detaching them in a measure from the court. A general contest between all the powers of the counter-revolution and public opinion in all its possible modes of manifestation, would therefore follow the protest of the bishops, if the court undertook to force them to obey.

James hesitated between the two courses open to him, of withdrawing the declaration or punishing the bishops' petition. He at length adopted the advice of chancellor Jeffreys, a man of ready resource when legal pretexts for acts of violence were required. Jeffreys asserted, that the manner in which the bishops had drawn up their petition was *tumultuous*, and consequently liable to prosecution by law; whereupon the bishops were summoned to appear before the council. This did not intimidate the lower clergy. In most of the churches they abstained from reading the declaration.

One clergyman, ascending the pulpit with the ordinance in his hand, said to the congregation that he was forced to read it aloud, but that he knew of no law which obliged them to stay and hear it; the church was instantly empty. In the few places where the court was obeyed, the congregations, of their own accord, quitted the churches. The fortnight between the sitting of the council at which the impeachment of the bishops was resolved upon, and that at which they were to appear, passed on. The greatest agitation prevailed in London during the whole of this time. The troops employed to maintain order, themselves exhibited disaffection. The king saw too late that in persisting in his declaration, and causing those who protested against it to be prosecuted, he had taken a resolution at once dangerous in itself and peculiarly unseasonable; for it was already the eighth month of the pretended pregnancy of the queen, and it required all the address and all the power of the catholic party to carry this fraud into effect. Public security was the chief condition of success, and this they were about to disturb by an enterprise which rendered all kinds of accusations more credible.

According to the reports then believed, and which may now be considered as the truth, with regard to the affair of the succession, up to the commencement of April, no one knew with any certainty whether the pregnancy of the queen was feigned, or whether the pilgrimage and the waters of Bath had been so successful as to enable her to become a mother after seven years' sterility. But on the 9th of April the queen met with an accident, the circumstances of which could not be entirely concealed, and after the occurrence of which a pregnancy was necessarily out of the question. If the pregnancy were genuine, the accident was a simple miscarriage; and if, from the beginning, it was a fraud, the accident itself was of a nature to render the perseverance in the fraud utterly preposterous. The queen, however, continued to display all the appearances of pregnancy, the progress of which was imperfectly sought to be imitated in her shape by the increasing amplification of her dress, and the art of her attendants. This manœuvre lasted during the months of April and May—the alleged sixth and seventh months—without any new accident occurring to betray it; but public incredulity saw, in the mystery which surrounded the queen's



rising and going to rest, matter for daily conversation, and which proved more and more as the term approached. Spite had some share in the diffusion of the first suspicions, but the same reports, confirmed because not denied, now excited indignation. The people already saw before them the completion of this audacity—a false prince of Wales, a child who would destroy the protestant religion, imposed upon England.

The impeachment of the bishops occurring just at the moment when the fear lest the papists should succeed in getting their prince of Wales accepted had taken possession of the public mind, immensely encouraged this fear. The nation, which had resigned itself to the reign of James, as to a sort of political tempest beyond which it saw sure repose, appeared once more, in defence of its last hope, the same that it had shown itself at the time of the popish plot. Previous to the day when the bishops were to appear before the council, a multitude of persons of all ranks went to visit them; the approaches to their houses were thronged with crowds of people waiting their turn to present themselves. When they went before the council, business was everywhere suspended: the public business was now the trial of the bishops. The enormous population of London, quitting their homes, filled the streets around the palace, awaiting the decision of the council. After waiting some hours, they learned that the bishops were about to be transferred to the Tower by water. The multitude rushed towards the wharfs to see them on their way; the excitement was at its height; the most menacing cries were uttered: but when the exasperated masses saw the bishops appear, and when these, extending their hands soliciting peace, gave them their benedictions, they knelt, recovered their composure, and then dispersed in silent consternation.

While London was thus agitated in the early part of June, the court was preparing for the feigned accouchement of the queen. According to the calculation hitherto admitted, and which reckoned the necessary period of nine months from the 16th of October, the queen was now in her eighth month. She had announced her intention to quit Whitehall in the middle of June, and pass at Windsor the month which still remained of her time. But this announcement was only



given to mislead the persons who were bound by their position in the state to be present at the accouchement, and who thus hoped to unmask the fraud. It was considered that they would remain at their country seats until the middle of July, and the better to secure this,—it was given out at one time that the queen would go to Windsor, at another time, to Richmond, and then again to some other royal residence. So early as May,—they had managed to have the princess of Denmark ordered to drink the waters at Bath; it was hoped that, deceived like the rest, she would remain there until the queen's supposed term. As to the archbishop of Canterbury, another witness as interested in keeping a close watch upon the affair as he was difficult to deceive,—he was at the Tower.<sup>1</sup> The queen seemed thus tolerably secure of having her confinement when she chose,—and in the presence of select witnesses,—when suddenly the arrangement was disturbed by the news of the immediate return of the princess of Denmark, who, not feeling herself benefited by the Bath waters, was preparing to rejoin the queen. The first plan was at once changed: the queen declared, on a further calculation of dates, that she believed herself at least a twenty days more advanced than she had hitherto supposed; that she could not go to Windsor,—and would immediately retire to Saint James's, where she would be confined. It was represented to her that there was nothing ready for her reception there; but she replied, in a tone as though the pains already warned her of an impending delivery, that she would go at once. Everything was hastily got ready at Saint James's, and the very day after her arrival, the 10th of June, before any one was informed of her sudden removal, and at the hour when the protestant ladies of the court were at church,—for it was Trinity Sunday, she sent to inform the king that she was in

<sup>1</sup> This explanation of the absence of the princess of Denmark and the archbishop of Canterbury has been preferred to that given in the *Memoirs* of James II. According to him, the princess went to Bath expressly that she might not see whether the queen was brought to bed or not, and thus malignantly to generate the suspicious which would naturally result from her absence. The archbishop, from similar motives, purposely got sent to the Tower. It is by statements of this stamp that the disciple of the jesuits Warner and Petre seeks to transfer the charge of imposture to his adversaries.

labour. Reckoning from the 16th of October, as she had hitherto done, she had been pregnant six days less than eight months.

There were with her only two women of the bedchamber, one under woman of the bedchamber, and the midwife. The countess of Sunderland, wife of the prime-minister, and lady Bellasis, a catholic, came afterwards. The king himself arrived last, bringing with him twenty high personages, members of the upper house and of the privy council. The Dutch ambassador received no intimation. The king and his train stood in a row opposite the queen's bed, which was placed in an alcove concealed from view by thick curtains, closed with the greatest care. The ladies were in the alcove, which communicated with other apartments by a side door. The queen cried out. The women exclaimed that she was delivered; one of them came out of the alcove carrying a parcel of clothes, in which the infant was supposed to be enveloped; but no child was seen or heard. The countess of Sunderland made a preconcerted sign to the king, upon which he announced aloud to those who surrounded him, that a prince of Wales was born, but the expression of joy which he attempted to assume was disturbed with much anxiety. The assumed witnesses of the accouchement departed without having seen anything, and the news was immediately made public. After this scene, which she went through with equal presence of mind and energy, the queen made no attempt to prove that she had really been confined: the princess of Denmark returned three days afterwards, and was not admitted into the secret of the alcove, which remained wholly with the countess of Sunderland, lady Bellasis, and the popish women of the bedchamber. Doctor Chamberlain, who had before attended the queen on such occasions, was not called in either before or after the operation. He thought at first that another physician had been employed, but if so, it was never known from whom the queen received the assistance indispensable to a woman in childbirth. It was not a case of negligence, but a choice between two inconveniences, that of dispensing with some of the circumstances which should have established the fact abroad, and that of admitting too many persons into a secret of such importance.

As to the child, the physicians who saw it the first day or



two, found an appearance of strength very extraordinary in a child born before its time, and of a mother whose health was so feeble. However, the child did not live. A second substitution took place, got up with so much haste, that the necessary precautions could not be taken. The doctors called in to see the invalid child were at first shown an infant which evidently could not live beyond a few moments; they looked at each other in amazement, when, after an absence of half an hour in consultation, they were introduced to what purported to be the same child, healthy, and without any trace of suffering. It was requisite, so glaring was the substitution, to offer this clumsy explanation, that there was something miraculous in this sudden recovery. They retired, without venturing, for the time, to say anything, and the two frauds were, for awhile, confounded as one in the public mind. Fêtes, commanded by the court, celebrated the birth of the pretended prince of Wales. The population of London took no part in them; nor did they attempt to disturb them, but reserved all their manifestations of discontent or of joy for the affair of the bishops, which was going on all the while, regarded by father Petre and the high catholics as a useful diversion.

Six days after the birth of the prince of Wales, the bishops were brought from the Tower to the bar of the court of king's bench. On their way, they found the whole city in movement; they traversed an immense concourse of people, by turns kneeling devoutly to receive their blessing, or erect, and making the air resound with acclamations. The bishops were followed by a numerous train of rich and distinguished persons, and women of the highest rank already thronged Westminster-hall; and when the bishops assumed their seats on the prisoners' bench, a great number of peers took their stand behind them, in public testimony that they deemed the cause of the seven prelates their own.

Never, since the general insurrection of the English against the ministry of Laud and Strafford, had society been known to be so excited and so combined in one great purpose. Accordingly, the French ambassador, Barillon, already wrote: "It seems as though this affair were a trial of strength between the two parties, and that the popular party has in every respect the better of that of royalty." The bishops' counsel demanded to be allowed to prove that the arrest was illegal.



The judges did not permit them to plead this question, but consented to the bishops being set at liberty, upon their giving security to reappear in a fortnight. This temporary release of the bishops was received as a presage of success by the multitude, who besieged the streets of Westminster, and by whom the bishops were escorted to their residences, amidst transports of joy.

When night came, London was illuminated; the demonstrations of delight were even somewhat tumultuous. The authorities had prohibited all persons to leave their houses and to assemble in the streets beyond a certain hour; but after seven years of timid obedience to the least commands of this kind, every one felt the want to go abroad among his neighbours, to assimilate himself with the general ardour, to mix with those whose society he had scrupulously avoided in the days of terror. Patience had long been brooding over secret thoughts, which men now felt the necessity of intercommunicating. After being so wretchedly divided, all the enemies of papacy (and of absolute power) were once more friends, without any previous explanation. During the fortnight allotted to the bishops to prepare their defence, the nobility, citizens, and people, seized every opportunity of manifesting the interest they took in this cause. During the same interval, the court proposed to renew the fêtes in celebration of the birth of the prince of Wales. One day a display of fireworks was to be exhibited near Whitehall: the populace imagined that the papists were again about to set fire to London, and directed their steps towards Whitehall, spreading this dark rumour; but a storm having in the afternoon destroyed the preparations, there was no end to the raillery which the populace, on dispersing, lavished upon this little miscalculation of the court: some of them, indeed, saw in it a judgment of God, who had felt Himself braved in the rejoicings for this imposture, for by this name the people now ordinarily characterized the birth of the prince of Wales.

On the 8th of July, the bishops were to appear for the second time. They traversed the city amidst transports, which exceeded even those that the population of London had been manifesting since the commencement of this affair. Somewhat of anxiety was now mingled with impatience. The multitude, although exalted by the sentiments created

by this spectacle of their strength, understood with wonderful perception all that the cause, when decided, would add to, or diminish of this power, according to the sentence. Out of four judges who composed the court, two approved the bishops' petition. The jury, though great pains had been taken to select it, were not devoted to the papists. The crown counsel, venal but clever men, could not count upon more favour from the tribunal than their adversaries. Thus, despite their efforts, in preparing the case, to prevent the defendants from bringing into question the dispensing power of the king, it was upon the constitutionality of this power that the tribunal had to pronounce. The bishops were brought up before it as guilty at once of disobedience and of rebellion; of disobedience, in having refused to cause the declaration to be read in the churches; of rebellion, in having addressed to the king, printed, and propagated, a petition in which, under pretext of justifying their refusal, they attacked the king's authority, and sought to bring it into contempt. The counsel for the bishops, on the other side, maintained that, if the king had not the power of dispensing with the laws, the bishops were entitled to resist an order emanating from that power; that they were at full liberty to intreat the king not to exact from them what, in conscience, they did not think they could do; finally, that they were justified in permitting their respectful and loyal petition to be printed and distributed: now, had the king this power of dispensing with the laws? They demanded permission to prove the contrary.

The court consented to hear them upon this question; and from that moment they had gained the cause. It was impossible to meet their arguments upon the consequences of a power, which they went largely into a description of, in its most general action, not only as to religious affairs, exercised for the benefit of such or such a sect, but extending to all those laws which guarantee the political rights, the life, the liberty, and the property of the subject. These words which have power only when liberty and property are really menaced, could not be pronounced on this occasion without exciting universal transports and applause. The bishops' counsel made an admirable use of the position which the tribunal had allowed them to take. It was not merely a recent usurpation which they assailed, but the system of



usurpations which constituted the counter-revolution. They proved that the power of dispensing with penal laws was nothing else than absolute power under a different name; the same power which the parliaments had struggled against during the last reign, in the affair of the declaration of indulgence, and then in that of the minister, Danby; the power, finally, the questioning of which had been taken away from the people by surprise, in the case of sir Edward Hales, and in virtue of which the papists had been put in possession of all the places under government. The crown counsel, obliged to defend the system, that is to say, to prove that the power of dispensing with the laws was inherent in the royal prerogative, merely irritated the public without producing any marked impression on the court.

During the ten hours which these arguments occupied, the populace remained, as it were, encamped all around the hall, vehemently adopting all the impressions which reached them by the medium of those who had made their way into the court; abusing or applauding the witnesses who came out, according as they were pointed out as favourable or unfavourable to the accused. The court also received constant intelligence. In the evening, the king set out for the camp at Hounslow Heath; he felt the need of being surrounded by his troops; he passed the night in the general's tent. The whole of the same night was spent by the jury in deliberation. It was not till early on the 9th that the decision was made known. The votes were divided, but the bishops were declared *Not Guilty*. As soon as the word *acquittal* was heard, the crowd dispersing spread the news in every direction. The public joy was immoderate: all London was illuminated, and in the bonfires the pope was burnt in effigy, amidst boisterous dancing and merriment. From London the commotion passed rapidly to the camp at Hounslow Heath, and the soldiers followed the example of the people. James heard their joyous cries from his tent, and in this way learned the intelligence, which utterly surprised him, for he had not doubted that the bishops would be condemned. He hastily left the camp for London, devoured by anxiety and resentment. When he re-entered the city, it was illuminated and resonant of rejoicing; he could not but sorrowfully call to mind its silence in the *fêtes* ordered some days before for the birth of the prince of Wales.



The high catholics found, by the circumstances and the result of the affair of the Anglican bishops, that they no longer had the courts of law at their disposal; that the people had ceased to fear them; that the army would no longer serve their purpose. But having succeeded in the main features of what they had undertaken, despite the moderate catholics, having excluded the protestants from the succession, they believed that time and cautious management would do the rest; that the birth of a prince of Wales would cover their usurpation; that, for the future, they need only labour to strengthen it.

They looked upon the conquest of the country as nearly concluded, and imagined, that under the shadow of this royal birth, against which, as yet, none but unimportant protests had arisen, they should, without fresh violence, by continuing to flatter the nonconformists, by vitiating and perverting the institutions which were still left standing, by promising a parliament, and deferring its convocation under various pretexts, and by purging the army of its enemies, and augmenting its numbers, be able gradually to organize and consolidate their system. The prince of Orange, indeed, still gave them some uneasiness; his congratulations on the queen's accouchement did not so blind them as to make them believe him the dupe of the trick which deprived him of his right to the crown; but they did not think that, during the life of the legitimate sovereign, his father-in-law and their master, he would venture to attempt anything; and if James lived only ten years longer, they felt confident that, before that time expired, their power would be secure from all external attacks. The catholics were mistaken in this calculation. The birth of a prince of Wales was far from sufficient to terminate the dispute commenced by the bill of exclusion; and the affair of the bishops, on the contrary, commenced a new struggle. The advantage which the nation had just gained, was so evidently the result of the energy with which it had armed itself, that it was useless to expect that, after this successful essay of its strength, it would submit to what might be again undertaken against it by worn-out deceptions. It had arrived at the point at which insurrection seems legitimate, because it is possible; and it is well known that nations never retrace their steps, when a first impulse has been given them by the feeling of their power.

*(i.e. that if they were thoroughly resolved a government, they would soon to turn it out.)*

Now, as in 1640, it was men of high rank who became the leaders of the people; but no longer with the generous inexperience which, at that period, carried them beyond their principles and their desires. Knowing what they had to lose and to gain in the revolutionary game, which had now become inevitable, they felt it was for them to commence it, in order that it might not be against them. A single revolution in the palace might abruptly cut short the question between the catholics and the protestant religion, between royalty *by divine right*, and royalty by the permission of the people; they decided upon undertaking it: and, if it was in their particular class interest, it was also for that greatest of the general interests of England, that interest which had armed the dictatorship of Cromwell, which had necessitated the restoration, and erected the scaffold of Russell and Sidney, the interest of order. Order was now endangered by the high catholics, because, in fabricating a prince of Wales, they had deprived the nation of the hope which was its only security amidst its destroyed liberties. The nation, to recover the liberties indispensable to its prosperity and enlightenment, could not arouse itself without occasioning protracted troubles, without its distribution into classes and religious sects once more creating the distinction of religious and political parties hostile to each other; it could not touch the government, without taking next in hand the defective state of society. The protestant aristocracy knew how to preserve the abuses in which it was interested, by viewing English liberty not only as the property of the people, but as the patrimony of the legitimate successor of James. It invited over the prince of Orange, that he might recover from the papists the crown, of which a false prince of Wales threatened to deprive him, and the national liberties, which were to be the apanage of that crown.

## CHAPTER V.

## THE REVOLUTION OF 1688.

(-1688 - June 10<sup>th</sup> to Dec. 23<sup>rd</sup>.)

Deputation of the English lords to the prince—Promises of the prince—

His instructions respecting the protestant dissenters—Definitive reconciliation between the protestants of all sects—Favourable disposition of the fleet and the army towards the prince—The petition of the English lords—State of affairs in Europe in 1688—In what manner they prevented Louis XIV. from affording assistance to James II.—Warlike preparations of the prince—Discussions amongst the refugees on the subject of the prince's manifesto—Departure of the expedition—Apathy of James and of the jesuits—William's fleet driven back by a tempest—The jesuits arouse themselves at this news—William departs a second time—His landing—Flight of James II.—The part taken in the revolution by the nobility and citizens—Hopes of the people deceived—Establishment of a royalty by consent.

(affirmed by James and Lord R. Berborough: then  
Oct 28  
1735)

IN the year 1686, lord Mordaunt, who had been conspicuous in the parliament of 1685 for his energetic opposition, had gone to Holland, to persuade the prince of Orange to take an active part in the affairs of England. As at this time the nation had not taken a decided resolution; and, moreover, as lord Mordaunt inspired less confidence as a man of judgment and secrecy, than as an ardent patriot and a good protestant, the prince of Orange had not adopted his views as to the opportuneness and facility of a descent upon England; but merely replied in general terms, that he would have an eye to the affairs of England, and would conduct those of Holland in such a manner as to leave him at liberty to act whenever he should think it expedient; that if the king assailed the rights of the princess his daughter, changed the established religion, or sought, by getting up imaginary plots,



to destroy the eminent men who defended it, he would do all in his power to save interests so dear to him.

Acting upon this promise, which was conveyed to England by lord Mordaunt, the prince of Orange, in the political relations between England and Holland, had so well mixed up his own private grievances against James II., with the dissatisfaction occasioned to the government of Holland by the political shuffling of James's ministers, as to insure his country's taking a direct interest in seconding him in the endeavour, at some future time, to maintain his wife's rights to the crown of England. He had also seized the opportunity of the revocation of the edict of Nantes so to alarm the protestant states of Europe, and to cause it to be looked upon as so very probable that a new general war would arise against Louis XIV., a war in which he would again act the part of leader of the anti-French league, that he was almost wholly in a position to levy and put troops in motion, without any one's being able to determine against what enemy he was leading them. The correspondence of doctor Burnet, the goings and comings of so many English protestants, the memoranda collected by the ambassador Dykvelt during his mission, had drawn the prince into a combination of diplomatic and military preparation, of which he alone possessed the secret. Finally, a very nice question, between himself and his wife, had been settled by the mediation of doctor Burnet. The prince was, by the English laws, called only to a titular royalty, subordinate during the life of his wife, a position which little suited a man of his character. The princess, on being solicited by doctor Burnet to declare the manner in which she would act towards her husband, if she ever came to the crown of England, had engaged to resign all authority to him as soon as she herself should be invested with it, and this promise had been received by William as the one encouragement wanting in the pursuit of his project.

After lord Mordaunt, the earl of Shrewsbury, who, at a time when conversions from protestantism to catholicism were, at the English court, a sure road to preferment, had abandoned catholicism for protestantism, came in the year 1687, not to solicit a premature intervention, but merely to explain to the prince of Orange the disposition of the higher

classes of the English, and the general state of affairs. The prince of Orange, although fully decided, thought fit to hold out only vague hopes to the earl; but his measures as to Holland and Europe were already almost complete, when the affair of the bishops and the birth of a prince of Wales so suddenly changed the relative position of the English people and the government of the high catholics.

The prince sent M. Zulestein to compliment James upon the birth of an heir. This ambassador had secret instructions to sound the court and the high clergy, and to counsel the bishops to profit by the popularity which they had gained by their resistance, to bring the nonconformists back to them. The prince desired that the question of his right as against those of the pretended prince of Wales should be in England, the question of protestantism without any distinction of sect, against catholicism. Dykvelt, on quitting England, had laid great stress upon this view of the matter, and the churchmen had ever since been actively endeavouring to bring about a reconciliation in which they made all the advances. The nonconformists in general had placed no faith in the promises of the catholic faction; they had joyfully accepted liberty, but only as a provisional concession. The Anglicans in guaranteeing them, after the expulsion of the papists, that liberty, which they said the fear that their mutual enemies might profit by it, had obliged them to refuse them, left less room to doubt their intentions. The bishops, in their petition to the king, had not failed to express the wish that for the future there might be no more nonconforming protestants; but they had, at the same time, declared that to the parliament alone belonged the right of annulling the laws of uniformity which might be no longer necessary. The counsel for the bishops had argued to the same effect; all the writings published on this affair by the church of England, had spoken of the nonconformists as of brothers from whom they would no longer be separated by the ancient and harsh laws which had always been principally directed against the papists. Moreover, conferences had taken place between the presbyterians, the quakers, the anabaptists, and the Anglican churchmen; and in the hope of a happier future they had mutually sunk many old grievances in oblivion. They had in turn allied themselves to the court



and the papists from interested motives; it was a common error, -and could only be repaired by a frank and enduring reconciliation. This reconciliation had been effected with *éclat* in the affair of the bishops. As these devoted themselves in the name of all, -there was not one among the non-conformists who was not proud of being represented by them. The population of London had, -as in the papist plot, -rallied around the protestant interest, and the same union took place throughout the kingdom.

83. In the early part of June, admiral Russell, -cousin-german of him who had been decapitated under Charles II., -went to Holland to announce part of these great results to the prince of Orange. Since the tragical end of the man whom he regarded as the glory of his family, the admiral had quitted the service and the court. He was a man of honour, -ardent in his principles, -and universally esteemed. A great many persons of high rank and influence had charged him to speak to the prince clearly and distinctly, and to learn from him, positively, if he was in a position to prevent at once the final attempts of the papists or the evils which would result from a general insurrection of the English against a government odious to all. William replied that, if a decided number of Englishmen of distinction were to invite him, -as much in their own name as in that of their partisans, -to come and restore to the nation its privileges and to religion its security, he thought that, -towards the end of September, -he should be able to meet the appeal. The admiral returned to England; he was soon joined by Sidney, -brother of the illustrious Algernon, -who hastily returning from Italy on hearing of the events which were agitating England, had remained for some time in Holland. Sidney had in 1679 been English ambassador to the Hague; he was, of all the English with whom the prince was acquainted, him for whom he felt the most regard. He deserved it for many noble qualities, and among those which rendered him most valuable in an enterprise of this kind, for a discretion, -a clearness of judgment which gave authority to his selections and guaranteed the secrecy of the communications between the prince and the English lords. As he was somewhat deficient in activity, -the prince associated with him a relation of Dr. Burnet, named Johnston, whose extreme diligence rendered him a valuable agent.



On meeting in England, — Mordaunt, — Shrewsbury, — Russell, — and Sidney, — set about preparing the invitation upon which the prince of Orange had promised to act. They sounded the marquis of Halifax, — the ex-minister Danby, — the earl of Nottingham, — the earl of Devonshire, — three of the principal officers of the army, — Trelawny, — Kirke, — and lord Churchill, and those among the bishops who had distinguished themselves in the late resistance. The marquis of Halifax, from the first, showed that he would not compromise himself; the earl of Nottingham, when initiated in the secrets of the conspiracy, was all at once checked by scruples, and gave this excuse of feeble minds, that he earnestly desired the success of the enterprise, but could not conscientiously aid it. The earl of Devonshire and Danby warmly adopted the project. Danby gained over the bishop of London, — and through him six of the bishops whose trial had just been brought to a termination. Kirke, — a striking example here of the facility with which good and evil are forgotten in agitated times — Kirke, — who had been named among the patriots, — since the insolent reply he gave to James, when this monarch endeavoured to convert him, engaged himself in his own name, and in that of the troops under his command. Lord Churchill, *6-1650* the future Marlborough, adopted the same views. He had *Lord C. Sandw. 1685-* long been the favourite and almost the friend of James. Distinguished at court by a superiority of intellect and a luxury of life which placed him far in advance of the most brilliant nobles, he already exercised over the princess of Denmark that ascendancy which was afterwards to raise him to so high a fortune; the counterfeit birth of a prince of Wales having entirely separated the interests of the princess from those of the king her father, — the young lord had abandoned the king in this rupture; he promised to side with the prince of Orange immediately upon his appearance, — and to get the prince and princess of Denmark to do the same. Trelawny also gave his word to William's agents, and brought over with him the bishop of Bristol. Johnston, incessantly going and coming between Scotland and England, — and England and Holland, — himself conducted the whole correspondence of the conspirators. He would go to Holland, and inform the plotters there of the fresh accessions made in England and Scotland by their friends, and then return to encourage the latter by the recital of what was

doing in Holland to support them. The secret, although known to persons whose numbers were constantly increasing, was well kept, because in this kind of enterprise a secret is always preserved in proportion to the chances of success, and the government of James had become too feeble to attract any deserters.

It was not until the month of August, that lord Russell, Sidney, Johnston, and the earl of Shrewsbury, quitted England, not to return to it, until accompanied by the prince of Orange. They were furnished with the letters of invitation which the prince had desired to have. A few weeks only had elapsed since the termination of the bishops' trial; the system of conciliation adopted by the high catholics had been so quickly comprehended by the nation, and had so emboldened its contempt and resentment, that this system was no longer tenable, and it became necessary again to have recourse to violence; but they had no longer any troops on whom they could rely. After the trial of the bishops, the joy of the soldiers encamped on Hounslow Heath had not so soon subsided as that of the London populace, but had, on the contrary, assumed a far more alarming character. The few papist soldiers who served in these regiments all at once became objects of the abuse of the protestant soldiers, who had, on several occasions ill treated them. Toasts, threatening to the papists, had been vehemently applauded in the noisy festivals held in honour of protestant anniversaries. It had become necessary to break up the camp, to distribute the regiments as after the restoration, and to discharge a certain number of the more turbulent men, who became still more dangerous disseminated among the people, at a time when the people needed nothing to put them in motion but energetic encouragement.

In the town of Portsmouth, which was looked upon by the high catholics as their bulwark, the disposition of the troops was manifested at the same time by the refusal of all the officers to obey an order given by the king. This regiment, commanded by the duke of Berwick, the king's natural son, had been chosen, as better affected than any other, for an essay at re-organization, which was to introduce five Irish catholics into each company. Several officers having refused to receive the Irish, the king cashiered them by a council of  
*(-as being unqualified to receive the king's commission.)*

war. All their brother officers immediately sent to resign their commissions. The king found himself obliged either to accept these resignations, or to renounce the enrolment of the Irish soldiers: he had the weakness to regard the latter alternative as that dictated by prudence; and yet it was one of his favourite maxims, that the soldier who hesitates is in a state of mutiny. (*never swap horses in the middle of a ford. - A. Discretion.*)

Things were carried yet further on board the fleet of eighty men of war which had been assembled by the king on information of the warlike preparations which were going on in the month of July, in the ports of Holland. A papist, admiral Strickland, having received the command of this fleet, had taken priests on board with him. These priests one day preparing to celebrate mass on board his vessel, the sailors broke out into threats and murmurs, which passing from vessel to vessel, gave reason to fear a general insurrection of the fleet. The king himself hearing of the affair, hastened to the spot, but order was only established by the dismissal of the catholic priests. The marine forces were far more decided than the soldiers in their hatred to the government of the jesuits; they had continually before their eyes the spectacle of the superior condition of their rivals, the French navy; they saw themselves condemned, not only to abstain from undertaking anything for the glory of their country against Louis XIV., the enemy of the liberty of nations and of the protestant religion, but, for the greater part of their time, to lend their aid to that king against a man who for twenty years had given to Holland that part in the European drama, which the reign of Elizabeth and the administration of Cromwell seemed to have for ever assigned to Great Britain. Thus the feeling of the English mariners was not only disaffection to the government of James, but an evident sympathy with the character and actions of that William whom they regarded as the chief of protestant Europe; and these were the first adversaries whom James would oppose to his son-in-law, if he undertook to cross the sea to dispute with him the right to the crown.

The prince of Orange had proceeded without awaiting the return of lord Russell and the other English lords. As he had received exact information, during their stay in England, of the progress of their measures, and knew that the inclinations of the nation, of the fleet, and of the army, gave him a



sufficiently clear invitation, he thought himself in a position to announce to doctor Burnet, in the month of July, that in October he would be in England, with an army of fifteen thousand men. The petition of the English lords was then not required at this period to decide the enterprise, but as an authority for it in the eyes of those who, seeing the arrival of the prince, might demand by what right a stranger presented himself to defend English liberty. This important document, attributed more peculiarly to the earl of Danby and doctor Burnet, was drawn up with a perfect appreciation of all the interests and all the opinions which were to be conciliated and brought over to one sole and only mode of enfranchisement: it enumerated the long list of the grievances of England against James since the seizure of the charters, which were attributed to his influence when duke of York, down to the substitution of a prince of Wales, the latest outrage of the catholic faction against the country. All the circumstances of the pretended pregnancy and accouchement were set forth and observed upon in such a manner, as to communicate to the public that conviction, upon this matter, which it was important that the prince of Orange should appear to have acted upon. The document was secretly sanctioned and adopted by men whom no one would have expected, some years before, to have seen combined, in a step of this kind; those who had been the most violent in the last royalist reaction, and those who had conspired with the illustrious patriots, Russell and Sidney; those who more recently had aided the duke of Monmouth, and those who had fought against him; but time, the force of circumstances, and the march of interests triumphed thus over the finality which all parties, at one time or other, so foolishly set up.

Dating from the month of July, William was fixedly decided on invading his father-in-law's states. The principal condition of success, the good will of England, was secure; but it was necessary to collect sufficient forces, in order that they might have nothing to fear from fortune, in the event of any portion of James's fleet or army remaining faithful to him, and of the king's seeking to determine all in one action; it was necessary to obtain the assistance of the Dutch republic, and to interest throughout Europe, in the success of the enterprise, sufficient powers to prevent Holland, in undertaking

an expedition so daring, and depriving herself of part of her troops to carry it out, from having anything to fear from Louis XIV.

Louis XIV. was interested in maintaining on the throne of England a king who answered for the neutrality of this nation, a fettered (yet ever menacing) rival. It was to the abasement of England, under a government engaged in a struggle against its sentiments, its wants, and its progress, that Louis XIV. in a great measure owed it that he had not been interrupted in his successes. Born to be at the head of that great French movement, to which, for twenty years, the interests of all Europe had been subordinate, those of continental Europe by war, those of England by the reign of the Stuarts, Louis XIV. had still need for the Stuarts to reign; and this was the secret of his friendship for them. Ten years had elapsed since the peace of Nymegen; he had employed them in completing, by forced interpretations of that peace, obtained from the exhaustion of Europe and the mercenary compliances of Charles II., the territorial position of France, in raising all things in the interior of his kingdom to the level of his powerful external situation. During these ten years he had, without firing a single shot, annexed to France, Strasburg, the duchy of Deux-Ponts, the petty seigneuries dependent on the Palatinate, and on the electorate of Treves, the principality of Orange, the county of Avignon, the towns of Casal, Alost, Courtray, Dixmude, &c. During this time he had built Rochefort, Brest, and Toulon; had formed his powerful marine, burnt Algiers, put to ransom Tripoli and Tunis, humbled Genoese liberty, saved that of Venice menaced by the Turks, established the French settlements in India, drawn to Versailles the ambassadors of the kings of several barbarous nations, and finally, covered France with establishments, which at once proved extreme prosperity and extreme slavery. Europe, during the same time, had been so divided in her interests, or so weakened, as to be unable to attempt anything against this nation, aggrandized, by her submission to a despotism which gave unity to its long scattered forces. But Spain was in continual alarm for her possessions in the Netherlands; the empire had to demand satisfaction for a multitude of petty usurpations; Holland and all the protestant states of Ger-

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many, believed themselves threatened by the revocation of the edict of Nantes; pope Innocent XI., insulted, even in Rome, had excommunicated the French ambassador; the English detested Louis XIV. in that jesuit government which he upheld, despite the contempt of all Europe. Nothing was wanting to spring the mine of such infinite discontents against France but an occasion; this presented itself; and, in the European commotion, the vastest that ever took place, the revolution, so desired by the English, was merely a necessary episode.

*the Archb.* Whilst William was planning the means of keeping secret from Louis XIV. the preparations for his expedition, the elector of Cologne, Ferdinand of Bavaria, the faithful ally of the Dutch republic, died. The position of Cologne, which commands twenty leagues of the course of the Rhine, and which borders on the east a part of the Dutch frontier, rendered the alliance of the elector who should succeed Ferdinand, of great importance to the Dutch republic; on his part, it was the interest of Louis XIV. that this successor should be favourable to him; he supported a certain cardinal de Furstemburg, against whom, accordingly, the princes of the protestant states along the Rhine, the empire, and the court of Rome, immediately declared. The latter, already engaged in a quarrel with the court of France as to the liberties of the Gallican church, and the insults which had been offered it at the very gates of the Vatican, openly proclaimed against cardinal Furstemburg; a long contest arose. Louis XIV. threatening to instal his cardinal, in spite of Rome and in spite of the empire, the prince of Orange had at once a pretext for making warlike preparations, a ground for summoning the enemies of French influence to a general coalition, and, finally, the certainty of being able to occupy Louis XIV. upon the Rhine in such a manner that he could not interfere with his designs upon England.

An opportunity, which alone had been wanting to the plans long meditated by William, once found, everything aided their execution with an astonishing rapidity. In a few weeks the famous league of Augsburg united against France, Austria, Holland, Bavaria, Spain, Brandenburg, Saxony, Denmark, Sweden, Savoy, and the Roman states; a formidable and singular coalition, in which the entire body of the protestant



states were seen upholding the decision of the pope against cardinal Furstemburg, and the powers which had ever been the enemies of protestantism, — Bavaria, Austria, and Spain, taking up arms against the king who had just revoked the edict of Nantes. England alone, ~~compelled to inaction,~~ took no part in this immense movement: and, accordingly, in the bosom of the European conspiracy against Louis XIV., it was fain to form one nearly as vast against James II. The states of Holland at first considered the military preparations already made by William as useful demonstrations in the affair of Cologne; but taking things in a higher point of view, they saw that the sacrifice of men and money, which the prince demanded of them for an expedition to England, would be the saving of the republic; that England, once free, would immediately assume among the enemies of Louis XIV. the station appertaining to her power and her national enmity to France. The protestant states, whose interests were more peculiarly mixed up with those of Holland, adopted the same views, and promised to appropriate thirty thousand men, — in the absence of William, for the defence of the Dutch territory. Most of the coalesced powers, on being successively put in possession of the secret, felt the necessity of securing the concurrence of the English nation, and saw that they would secure this by placing William at its head, and that such a man, at the head of such a nation, attacking in rear the power of Louis XIV., would soon change his haughty triumphs into humiliations. European policy was thus armed by William, without there being any personal animosity against James on the part of the princes who desired his fall. (*the stars in their courses fought*

Things were already nearly in this state in the beginning of September, and the relations between the Anglican church, the aristocracy, and the prince, had attained the point described, without the slightest suspicion on the part of James of what was being prepared against him. Still apparently determined to convoke the parliament in November, he was pursuing those miserable, petty intrigues which he thought would give him a lower chamber opposed to the tests and favourable to the dispensing power, when the advice to take instant measures for resisting the impending invasion of the prince of Orange, was given him by Louis XIV. through Barillon. To this advice Barillon added, in his master's name, the offer of a

body of fifteen thousand men who should land at Portsmouth, and a squadron which should watch the movements of the Dutch. James would not believe in the existence of the danger. It is said that he adopted the opinion of Sunderland, that a French army, unless it were large enough to meet every danger, would, by its presence alone, deprive the king of the hearts of his subjects. Such was the absurd confidence which James placed in the supposed affection of his subjects, after all that he had done to destroy it, that when Albeville came in all haste to inform him of what was passing in Holland, he received express orders to announce everywhere that the preparations in Holland had no other object than the affair of Cologne; and James himself, in order not to counteract this ridiculous assertion, thought fit to abstain from any demonstration. Louis XIV., losing all hope of overcoming this obstinate incredulity, endeavoured to intimidate the States, by signifying to them that between himself and the king of Great Britain there existed so close an alliance, that he should consider every attempt against the territory of that prince as an attempt upon his own crown. James, despite this public proceeding, persisted in the idea of keeping his subjects from the impression which their belief in the menaced invasion might produce in their minds. He contradicted Louis XIV. as to the alliance notified by this king to the States, and continued not only to speak, but to act as a man who enjoyed the most profound security.

Already, however, the military preparations of the prince of Orange had so evidently England for their object, that the prince and the States themselves no longer took any pains to conceal the fact. The contingents promised by the protestant states covered the eastern frontier of Holland; ten thousand men, the best infantry of the republic, were encamped at Nymegen, waiting but the order to advance towards the sea; a considerable number of transports were ready on the coasts of North Holland. Admiral Herbert, brother of the magistrate who had succeeded Jeffreys in the office of lord chief justice, was in this province, directing with as much activity as precision all the preparations for embarkation. Herbert, the most distinguished of British sailors at that period, had for several months abandoned the court of James. His long and blind devotion to that monarch rendered his

rupture with the catholics more striking; and from that time, those who knew his ambition, and the proud and vindictive turn of his character, foresaw that he would not long remain an inactive malcontent. William destined him to command the invading fleet, a post in which his talents, and still more the influence of his name on the minds of the English mariners, rendered him invaluable. Seventy ships of war were ready at several points to convoy, under his command, the Dutch expedition. The transport ships were to carry, besides 15,000 soldiers and about 6000 horses, 30,000 muskets for an insurrection of the English, if it were found necessary. Their purchase had been long completed, and nothing was wanting to commence the embarkation but the negotiation of a loan of four millions of florins, required by William from the States. Nearly all Europe knew this, yet James still refused to believe in any design of his son-in-law on the crown. But perhaps this apparent incredulity was, after all, but the calculation of cowardice; for without avowing his fears, James made his troops assume positions which had for their object the securing his flight to Portsmouth in case of necessity.

Towards the end of September, the four millions of florins were lent to William, to the great astonishment of the French and English ambassadors, who had expected the interposition of protracted difficulties in the affair. The day of embarkation was then fixed for the 5th or 6th of October.

During the seven or eight days which preceded this commencement of the war, a fierce contest of interests and opinions took place among the English who were collected round William. We have already shown how many men, hitherto separated by the discords of the counter-revolution, had all at once agreed to come together to Holland to solicit the intervention of William. The majority of them, former members of the administration under Clarendon, under the Cabal, under Danby, under James himself during his influence as duke of York, and since he became king, up to the time when the catholics seized the helm of affairs, were malcontents of old or fresh date, resolved upon expelling the jesuits. Long opposed to each other, they had no principles in common. That which supplied the place of these was that aristocratic interest which, at the aspect of popular scenes, too closely resembling those which began the revolution, had determined



them to seek William, in order to oppose a protestant to the papists, and to the inferior classes a king. But besides the great lords who for six months had quitted England, there were at the Hague a considerable number of refugees—independents, who had been persecuted in the earlier years of the restoration; presbyterians, who had been persecuted in England under Clarendon, and in Scotland, from the restoration until the first decree of toleration; whigs, who had been so long victims of the re-action at Oxford; the surviving Rye House conspirators; and soldiers, escaped from the disasters of Argyle and Monmouth. Hitherto wandering about the German protestant states, these fugitives of so many different epochs had hastened to the Hague, hoping, by means of this expedition, to behold their country once more, and ready to co-operate in the enterprise. Their hatred to James II. was not, like that of the noble emigrants, founded upon the recent facts which had in England replaced the Anglican church in the first rank of resistance, and rendered the cause of the bishops dear to the people; its character was more extensive, but apart from the actual state of things. It was a protest against nearly all that had been done since the restoration. (*do much the worse for James.*)

The difference between their views and those of the lords who had invited William broke out, when the prince desired to consult both the one and the other party as to the manifesto which he should address to the English, on commencing the expedition. A form of declaration, based upon the views of the lords,—that is to say, which dwelt principally upon the abolition of the tests,—the trial of the bishops,—and the imposition of a prince of Wales, was supported by the nobles. Their adversaries advocated another declaration, drawn up by one Wildman, an old agitator of Cromwell's army, and they brought over to it several distinguished personages, amongst others,—lord Mordaunt and the earl of Mansfield. Wildman first sketched out the theory of the English constitution, and enumerated all the violations of that constitution; which, according to him, justified the insurrection about to be attempted. Now the greater number of these infractions belonged to the reign of Charles II. Wildman and his friends even maintained that they were more grave, more perilous, than those with which the reign of James was reproached;

that the latter had merely assailed the supremacy of the Anglican church, whilst the former, in seizing upon the charters, in the laws against the press and the militia, in arbitrary imprisonments, had overthrown the fundamental liberties of the nation. The dispute resolved itself into this—should they accept the reign of Charles II., or should they condemn this reign in common with that of James II.? The system of abuse and violence which Wildman and his friends desired to have attacked in its whole, was so closely connected throughout, that the partisans of the first declaration were evidently disingenuous in pretending that the natural separation of the two reigns was manifested by the facts; but they urged with success this important consideration, that, by a statement of grievances extending so far back they would alarm the dignified clergy and a great portion of the nobility, who had been participators in most of the tyrannical acts charged upon the reign of Charles II., and might thus, perhaps, drive them to a reconciliation with James. This argument carried the first declaration, but still with some modifications proposed by Wildman's party, which referred to the principal abuses of the reign of Charles, but attributed them to the secret or declared influence of James, and thus made him alone the guilty person. The two refugee parties were not satisfied by this compromise as to the intention of each other. As always happens in such cases, they postponed a fuller explanation until the success of the common enterprise, and meantime each hastened to secure an ally in the nation.

Admiral Herbert put to sea in the first days of October with a powerful division, which was to cover the assembling of the transport-ships and the embarkation of the troops. He was to advance far enough up the Channel to rally round him, if possible, the English squadrons which it was presumed James had sent to reconnoitre. The embarkation commenced on the 6th of October. It was nearly six months since the trial of the bishops had manifested the feeling of England. From the period of that affair, the action of James's government upon it had been well-nigh null; every chance of offending the people had been carefully avoided; the judges had received orders to act on their circuits with the greatest moderation, to diffuse everywhere new hopes, and to promise a parliament in November. But these last

attempts at conciliation had been understood; the most afflicting reports reached the court from every quarter at once. The judges had been treated with such contempt, says an historian, that the rules of decency were scarcely observed towards them, even while they were seated on the bench, and this at a time when the progress of an insurrectionary spirit among the soldiers and sailors was manifested by the tumultuous conduct which has been referred to. The great movement in European politics during August and September had been looked upon by the English as the signal of deliverance which they had expected for the last five years. The preparations of the prince of Orange were universally known at once by the medium of a conspiracy whose ramifications extended over all England, and by the efforts which the government had made to persuade her that the preparations of the prince of Orange did not alarm it.

The high catholics were at last fain to shake off an apathy so cowardly or so ill-devised. Information, which it was no longer possible to doubt or to deny, made known the movements of admiral Herbert. The court sought to make it appear as though it were just enlightened upon a great error, by declaring that it had been betrayed by the minister Sunderland, whom it dismissed as having sold himself to the prince of Orange, a man who had kept the king in this state of fatal security. Such was not at all the case: Sunderland had faithfully served James and the catholics from the time he had possessed their confidence. In his endeavours to maintain himself in one of the most difficult of possible positions, between a king whose imbecility excited his pity and a faction whose passions and expectations he in no degree shared, he had displayed an ability which would almost command our respect, were it not that all this sagacity and power of resources was employed to satisfy immense personal wants at the cost of the honour and liberty of his country. When Sunderland beheld the near approach of a catastrophe which he had foreseen, and knew that he could no longer prevent it, or maintain himself in the office which had ministered to his luxury and profusion, he accepted his disgrace as the best service that James could render him; he thought it would justify him in the eyes of a new master.

After his departure, the court precipitately made a few



preparations which more resembled demonstrations than a plan of resistance. The fleet, commanded by lord Dartmouth, did not receive the decided orders which alone befitted such an emergency. It was superior in numbers to that of admiral Herbert, but it remained in a state of inaction, though there was no other field of battle for James than the sea, upon which William was about to unfurl his standard,—with the attractive device,—*Je maintiendrai*. By land, an army of thirty thousand men was quickly assembled. The regiments taken from the garrisons and encampments around London were ill-disposed; those from Scotland were somewhat more devoted. The Irish sent by lord Tyrconnel were full of enthusiasm for the cause of the king; and it was the same with all the catholic officers. Most of the protestant officers had given their secret adhesion to the agents of the prince of Orange. James, by his conduct and his presence, might have overawed their resolution,—but he did not possess that warlike spirit which he had so frivolously displayed for the last three years at the camp of Hounslow. He gave the command in chief to the earl of Feversham,—and remained in London occupied—it seems hardly credible—in disputing about the grievances of the nation with his ministers, and in conferring with the Anglican bishops, in order to obtain their intercession for a reconciliation between himself and their church. *(trying to throw over the Pope - watched over at all times.)*

The bishops were already, for the most part, engaged in the conspiracy. They accordingly offered peace, upon conditions which they thought would revolt the haughty spirit of James; but, to their great astonishment,—there was no concession to which he was not willing to descend. He restored its charters to the city of London,—promised to dissolve the ecclesiastical commission,—to reinstate the authorities of Magdalen college; to convoke a free parliament as soon as calm should be established; he finally offered to give public proofs of the birth of the prince of Wales. At his request, the countess of Sunderland deposed that the queen had one day taken her hand to make her feel the child within her bosom, but she could not venture to affirm that she had really satisfied herself as to the queen's condition. A washerwoman declared that she had found upon the queen's body linen certain marks of an accouchement. Several ladies spoke of traces

of milk which they had seen on her linen; and, finally, lady Wentworth took an oath that she had touched the queen and felt the child move, but she did not specify an exact period, any more than the other ladies had done, which gave much latitude to mental reservations. These unsatisfactory testimonies, which were collected, printed and distributed with profusion, produced no effect upon public opinion. The same objections were insisted upon, as to the king's age and infirmities, the weak state of the queen, the death of her four first children, her seven years' sterility, the ridiculous pilgrimage to Saint Winifred's, the offerings made to our Lady of Loretto, the pregnancy represented as miraculous during seven months, the time of conception, all at once put back a full month before that previously assigned to the miracle, the confinement before the proper time, the removal of the princess of Denmark, the situation of the bed in the chamber, the existence of the side door, the entire ignorance of the whole matter on the part of the so-called witnesses brought by the king into the chamber, the absence of the physicians, the impossibility of getting any one single person to testify to the fact of the queen's delivery, the only fact which could derive weight from such tardy evidence.

The inquiry, though so public, had no better success than the restitution of the charters and the redress of various grievances; the people said, very naturally, that these reparations were the work of the prince of Orange. And in fact, at the end of twenty days, passed in mortal anxiety, the court, having heard that a furious tempest had obliged the Dutch expedition to return to port, and that the fleet of admiral Herbert had undergone considerable damage, all at once changed its attitude and language. James, thinking that he beheld divine aid in that which the people, saddened by the same intelligence, called a papist wind, withdrew his promises, and recalled all his concessions. The writs for a new parliament, which were ready for issuing, were suspended; he had published an act of amnesty for all the offences to which the affair of the tests had given rise; he revoked it. The high catholics, who had for a moment feared that James would abandon them, drew around him, filled with an ardour which returned to them with hope. As the season was already advanced, they thought that the prince of Orange would be forced to put off



his expedition until the spring, and upon this supposition, hastily concocted a new plan: to convoke a parliament, to carry the election by undisguised violence, to destroy the opposition of the upper chamber by creating an hundred and fifty peers, to bring over all the troops from Ireland, to demand money and twenty thousand men from Louis XIV.; such was the last counsel given to James by the jesuits. *(The Jesuits - as they always do - misstate a fact to their own purpose.)*

It was in the unavoidable path, it was the fatality of the English counter-revolution, to attack at last that aristocracy by which its first progress had been supported. Between the throne and the religious democracy there was no longer any ecclesiastical peerage, but, in its stead, a vain phantom of liberty of conscience. Absolute power now thought it could no longer maintain itself, but by exciting wide ambition in the citizen class and among the gentry, by prostituting to them the temporal peerage. But the peerage, without the splendour of names, without fortune, without the species of sanctity attached to the rarity and antiquity of its privileges, would be nothing but the shame-bringing offspring of the common degradation of the prince and of the subjects. Instead of that, so to speak, disinterested body, standing between the nation and royalty, partaking of both, which had defended the national liberty against the Cabal ministry, and against the whig parliaments the prerogatives of the crown, the upper chamber would become the representative of an interest, foreign to the soil and rejected by England, the interest of the jesuits. Charles II., even in his most cruel extremities, had never recourse to such an expedient, destructive of the constitution which permitted it. James had first offended the peerage by elevating to its honours the ignoble Jeffreys; and the suspicion of this last expedient, counselled by the jesuits, rendered more service to the prince of Orange, than the tempest, in dispersing his vessels, had done him harm. *(The Jesuits - as they always do - misstate a fact to their own purpose.)*

But, even had the prince been obliged to defer his expedition until the spring, the jesuits would not have passed the winter in peace: the people were not disposed to wait so long; they had scorned the advances of the court, when it thought itself necessitated by the approach of the prince of Orange to make advances; finding it retract them with so much insolence at the news of a disaster, the extent of which

*(- nothing alienates Englishmen so much as a tendency, not clear proof of fraud or insincerity.)*



it exaggerated, they themselves assumed the language of menace and commenced war. During the latter part of October, frequent riots took place in London; the catholic chapels were pillaged and destroyed. The 5th of November, the anniversary of the gunpowder plot, witnessed the renewal of the disorderly scenes which had followed the acquittal of the bishops. They had no news of the prince of Orange; but despair or hope displayed themselves in equally formidable shapes, whether the papist wind made them fear new dangers, or the protestant wind restored to the expedition all its chances.

At length, the court and the people learnt almost at the same time the second departure of the prince of Orange and his landing in Devonshire. He had left Holland the 11th November, yielding to an east wind which would either destroy his fleet, or carry it rapidly to the coast of Great Britain, and on the 15th entered Torbay, after having doubled the South Foreland without meeting one of James's vessels.

The king having been unable to ascertain the exact point upon which William purposed landing, had directed his troops north and east, towards those places which he thought most threatened. The prince appearing in the west, it was necessary to countermand the order, and to bring all the forces together on one central point; Salisbury plain was indicated as the rendezvous. Eight or ten days elapsed before the principal regiments had assembled there. The prince of Orange remained all this time at Exeter, confining himself to distributing in the neighbouring counties his manifesto and the petition of the English lords. It was not expedient for him to display more activity; the few troops he had brought with him needed rest after a stormy passage, and could only be considered as the nucleus of an army which would be made up of James's own troops, if their feelings were really such as had been represented. It seemed, on the other hand, that James ought to have been the first at the rendezvous at Salisbury, there to receive the different troops as they arrived, and assure himself of their good will before the chiefs, whom he suspected to have been gained over by the prince, could meet and deliberate upon what they should do. The conduct of the prince and his principal adherents, was of a nature to show him that the question would be

wholly decided between two armies in the open field; the prince, and the English lords, the avowed leaders of the enterprise, carefully avoided any appeal to that considerable portion of the population who, once armed, would demand more than a revolution at court; they did not excite the people to insurrection; they knew the danger of admitting them into the quarrel; they considered that, for the interests of order, the soldiers whom James had armed in his own cause, were already enough; they only desired to draw these to their side, and not to raise others. This conduct of the Orange party had already a chilling effect upon the people in those places where he had anticipated some disturbances. They were astonished at not finding in his manifestos anything to inflame their passions, or hold out promises to their wants; they waited until the course of events should explain that which at present they did not comprehend; and the prince, a week after his landing, was still at Exeter, master of a territory, of limited extent indeed, but placed between two seas, and secure from any surprise.

James, instead of profiting by this state of uncertainty, was forming interpretations of it at London with the high catholics. They saw, in the silence which William observed, a certain proof that the people of the western counties were a devoted to the government. The Londoners, on the other hand, not having seen either the Dutch or the prince of Orange, and being in the immediate presence of the catholic leaders, were in a great ferment. James wished to quell them before he went to Salisbury; he managed to get up a skirmish between some Irish detachments and the apprentices and workmen who were about to destroy the chapels and convents; and he gave way, with childish passion, to this street warfare, until the news arrived that desertions were beginning at Salisbury. He then left for the army, but only arrived in time to witness the desertion of lord Churchill, the duke of Grafton, and colonel Barkley. Lords Colchester and Cornbury, colonel Godfrey, the earl of Abingdon, captain Clarges, and a great many other officers, were already in the prince's camp. Still, from the same causes which kept back the people in the district occupied by the prince of Orange, the soldiers and subaltern officers were still undecided. The grounds of the prince's invasion did not appeal

so nearly as they desired to their interests. The deserters hardly numbered a thousand men. It was easy and advantageous to replace the chiefs who had quitted, by ambitious officers, taken from the inferior ranks. The cavalry was very superior in number and quality to that of the prince of Orange. The effective of the royal troops amounted to nearly thirty thousand men; the prince had at the utmost but fifteen thousand. If a battle had taken place at once, it would perhaps have proved fatal to an enterprise from which it was sought to exclude the people. The pupil of Turenne ought to have known the power of activity; a glance at the map would have shown him how easy it were to shut up the prince in Cornwall, and to deprive him of every communication with the rest of England. But fearing to be arrested by his own generals and delivered to the prince, he returned to London. He had scarcely left the camp, when the earl of Feversham was obliged to order a retrograde movement; and in this movement whole regiments were led by their chiefs to the prince.

The earl of Feversham had hardly quitted Salisbury, when the prince of Orange marched towards this city, joined in his way by the royalist troops who had left their standard. The retreat of the royal army was to him a victory. The result of the contest, so distinctly declined by James, now being quite clear, the large towns vied with each other in the promptitude of their adhesion to the enterprise; Bath, Oxford, Nottingham, York, Berwick, Hull, and Bristol outstripped the others. The nobility were everywhere seen at the head of the movement. The citizens rallied to a cry which seemed in the midst of an insurrection to express merely a legal demand. This cry, *A free parliament*, was as unhesitatingly adopted by the people. It did not blindly hurry them into unknown changes, but simply summoned them to fulfil in the elections a duty which they well understood. Owing to the judicious arrangements of the prince of Orange, which directed that the priests and other agents of the jesuits should be sent out of the way quietly, the disorders which result even from the most legitimate vengeance were prevented. At London, on the contrary, the last efforts of James to defend his chapels and his priests aroused in the people the revolutionary passions of 1640. Fathers Petre and Warner were the first to



be terrified: they fled from England. They were bold counsellors, and, to a certain extent, able, but not men of action; ever since the affair of the bishops they had lost all judgment.

James, abandoned by the popish priests, and believing himself incapable of resistance, although he was still obeyed by the troops which the earl of Feversham had brought back to London, summoned all the protestant lords in London, and asked them whether they were still attached to him. They swore that they were; for although victorious without, they were, in London, at his discretion, had he any energy remaining. He appeared fully to accept their assurances, and began to play the pathetic; he solicited their counsel; he asked, in a broken voice, what he had done to his subjects that they should treat him thus; what the prince of Orange wanted, and what those who were with the prince wanted. "A free parliament and the banishment of the papists," answered the lords. James replied that he also desired a free parliament, and that he would consent to banish the papists on certain conditions. "Well," said the lords, "if such are your views, doubtless they will satisfy the prince and his adherents; you must communicate them to the prince." James exhibited some reluctance to enter into an accommodation with William; it would be recognising in him a right to interfere in the affairs of the kingdom; but he was also obliged to acknowledge the success, if not the legitimacy, of the enterprise. Accordingly, a deputation, consisting of the marquis of Halifax, the earl of Nottingham, and lord Godolphin, was charged to wait upon William, and inform him that the king consented to convoke a free parliament, and would arrange with him all that might be deemed necessary to secure the freedom of the elections. This was exactly as if James had said that he desired to join the insurrection and to adopt the colours of revolt: whereupon, those around the prince suggested to the messengers, with an air of mockery, that beneath this question of the convocation of a free parliament, a question already settled, and therefore of pure form, there was another of a more difficult nature—namely, from whom the nation should hold the free parliament, from the prince of Orange, or from the king.

The prince, however, replied as if he believed in the possibility of an arrangement. His conditions, from their modera-

tion, seemed devised not to take advantage of the situation of James, which was then wholly desperate; for his second daughter and the prince of Denmark had abandoned him, and defection had become an ordinary and quite public journey from London to the prince's quarters; the council had dispersed; and the queen had retired to France, taking with her the prince of Wales. All at once James abandoned the negotiation with the prince of Orange, and fled secretly in the company of a nobleman, whose servant he passed for. His destination was France, the last hope of the catholics; for if they were without courage, they were not without projects.

Previous to his departure, James had given the earl of Feversham orders to disband the troops which he still kept together in the environs of London. The order was partly executed, so that the town was all at once filled with soldiers without pay, whilst the people, on learning the flight of James, broke out in their usual reckless manner, eager to be revenged on the papists, and to manifest their joy at there being no government. The catholic chapels were entirely destroyed in a few hours; the convents were broken into; the people not finding there the jesuits whom they sought, went after them into the houses of the papists, and even into the mansions of the ambassadors of the catholic powers. No blood was shed, because the Romish priests had fled several days before, but all that they had left behind them, books, ornaments, and the objects of their worship, was seized and burnt. In this first tumult, Jeffreys was recognised in a street disguised as a sailor, and making towards the Thames, where a vessel awaited him. He would have fallen a victim to the popular fury had he not had the presence of mind to place himself under the protection of some of the calmer people, and to demand to be conducted to the Tower, where he would reveal things of the greatest importance. The people first beat him, and then dragged him before the lord mayor, that he might oblige him to speak. The lord mayor, seeing in this state, with torn clothes and face all bloody, a man whose name only the evening before made every one tremble, received such a shock that he died shortly after; Jeffreys, the disgrace of the bench and of the peerage, died also in the Tower from the excesses of wine in which he indulged, to calm his remorse and terror. The troops, who, until the departure of James, had kept the people in check, being now dispersed

in (Hefman  
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the stones as it was said - probably also from want of proper surgical assistance in his extremity.

and disbanded, the disorder was perhaps less great than if it had been opposed. But all at once it was rumoured that the disbanded Irish intended to set fire to the city. A proclamation, forged in the name of the prince of Orange, by an unknown hand, and thrown into the midst of the assemblies, created this alarming apprehension. The terror which it caused gave reason to fear the greatest calamities; some of the more furious of the populace already declared that the papists must be exterminated to prevent their plottings.

No one since the king's flight had as yet ventured to assume the authority. The lord mayor, a man of little energy, at last decided upon convoking at the Guildhall a meeting of the privy council, and of the other bishops and lords who were then in London. They agreed in this assembly that a deputation should be sent to intreat the prince of Orange to place himself at the head of the government until the convocation of a free parliament, and, pending his answer, they called out the city militia, and employed them to watch the disbanded soldiers, and to protect the catholics from the people. Upon the invitation of the council, William advanced towards London, but stopped at Windsor. The people, already dissatisfied with the measures taken by the council to restore order, were angry that the prince should keep them waiting, and perceived that his vicinity increased the strictness of the magistrates. The same coolness which the peasants and poor country people had shown when they discovered that this new revolution was not for them, was now felt by the Londoners, and almost created an interest for the fugitive James. They believed the latter to have already left the kingdom several days, when a rumour came that he had been recognised in a little port in Kent, had been prevented from embarking, and was now on his way back to London. He immediately afterwards entered London, free to all appearance, and surrounded by his former guards, who had been sent to meet him by the council. The people received him with acclamations, which however did not restore hope to him; they seemed rather to prove that another was already master in his stead, and was consequently already the object of popular distrust. This return was both for him and for the prince of Orange a kind of miscalculation; and he accordingly resolved to fly once more, on the first opportunity, an

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opportunity which the prince,—who still feared his presence,—was very ready to afford him.

The prince of Orange first suggested to James to leave London, on the pretext that he was no longer safe there. James retired to Rochester,—a town near the sea. The prince then entered London,—but privately, so that the people, in default of the tumults, from which strict measures of police precluded them,—might not even have a show to occupy and satisfy their curiosity. William, on arriving at St. James's palace, found seventy peers assembled. He presented to them his manifesto; invited them to arrange,—without delay,—the means of convoking a free parliament, and withdrew, without saying a word about James. The peers, imitating his reserve, drew up a resolution, in which they engaged themselves to William, as he had engaged himself to them by his manifesto, not to abandon the cause of the protestant religion and of the laws and liberties of England, “until they were so secured by a free parliament,—that they should no longer have to fear falling again under the yoke of papacy and slavery.” This engagement of the seventy lords, and the reception given by the common council to the prince, as the friend of the national liberty and religion,—was nothing but the declaration of two assemblies without authority in favour of the enterprise of the prince of Orange. There still remained a very great constitutional difficulty; namely, who was to convoke the parliament, the prince or the king.

The almost unanimous invocation of a free parliament had been judiciously employed against James, when the chances of the struggle might still have been in his favour, became against the victorious William an equally prudent reservation. All those who,—in England,—comprehended the necessity of saving liberty by preserving royalty; that is to say, the aristocracy and the immense majority of the citizen class, desired, until the nation was duly represented, to consider William as the liberator and friend of the nation, but also as unconcerned,—personally,—in the dispute between England and her king. The legitimacy of the prince of Wales was not brought into question. Upon this point the conviction which had induced men to desire the intervention of William was laid aside, until they had come to a determination respecting James himself.

(- December 23<sup>rd</sup> / 1688. before on December

But meanwhile, James having fled a second time, the alleged vacancy of the throne, a fact which was afterwards matter of warm discussion, determined, as an extraordinary circumstance, the assembly of lords to offer the prince the provisional administration of the kingdom. William refused to receive the authority from the lords alone; he required that it should be offered him also by the common council, representing the city of London, and by the members of the two chambers of commons assembled under Charles II., those who had last represented England at Oxford, and whose hatred to James, as shown in the bill of exclusion, was less likely to change than that of many of the recently acceding lords.

The former members of the commons assembled with those of the common council, addressed to the prince an invitation similar to that which he had received from the lords. They added to it what the lords had omitted, their thanksgivings to the liberator of England. The day after the presentation of this address, the lords and the gentlemen who represented the commons received William's reply. Having assembled them, he very briefly intimated to them "that he would issue the writs of election, as they desired; that he would employ, for the interest of the state, the power which they confided to him; that if the religion and liberties of the country were, in fact, already indebted to him, he would continue to merit the affection of the country, by his attachment to these important interests." The elections immediately commenced throughout the kingdom. It was perhaps the first time they had been conducted with such freedom. William thought that, in his position, he ought not in any way to influence them; and as none of the old parties were predominant, all interests and all opinions were freely represented. The two houses met on the 22nd of January, under the title of Convention, as had been the case with the parliament for the restoration.

And now was renewed on a larger scale the struggle of interests, which had in Holland preceded William's embarkation. The relation between the forces of the two parties, whom the drawing up of the manifesto had brought into contest, was no longer the same. There was also some difference between the intentions with which they were animated, and

those which the refugee representatives heretofore had manifested. The lords whose opinions prevailed in the compilation of the manifesto, were now associated with an aristocracy as hostile as themselves to popery, but more restrained than they, from a fear of weakening the monarchical principle in proceeding against James. Wildman and his friends had, on the other hand, rather spoken the language of the republican party defeated at Oxford, than expressed the feelings of the middle classes, with whom they were now mixed up, and who formed the new chamber. The new house of commons was neither republican, presbyterian, nor Anglican; it was the result of a twenty-eight years' progress, which the nation had made despite the Stuarts and the jesuits, since the presbyterian parliament which, in order to overthrow the republic, had so imprudently called in the restoration.

Now the enlightened portion of the nation had learnt, during these twenty-eight years of severe trials, that royalty was necessary to a society divided into classes as is that of England; that the principle of legitimacy alone was bad, because it considered the national liberties as emanating from and revocable at its will; that it was desirable for the king ~~for once~~ to derive his right from the consent of the nation, in order that those who succeeded him might not revive the question of the nature of royal power, as had been the case with all the kings since James I., and thus expose the country to the danger of a revolution, on the one hand, or, on the other, to that of losing its laws, its religion, its enlightenment, all which James II. judged incompatible with the duty of passive obedience and non-resistance.

It was thus that the vast majority of the members of the new house of commons regarded the question; it was composed, indeed, of men who for a length of time, perhaps, had fought as royalists or republicans, but they had now left behind them abstract ideas, which are always dangerous, and frankly entering upon matters of fact, were all agreed in their views. Here ended the many exaggerations, which had been corrected (or punished) the one by the other. After a deliberation which lasted five hours, the two following declarations were voted by the commons:—"That king James the Second, having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king



and people, and by the advice of jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and the throne is thereby vacant." "That it has been found, by experience, inconsistent with the safety and welfare of this protestant kingdom to be governed by a popish prince." (*i.e. we can't put him back, or nominate his son either.*)

These two declarations were immediately sent up to the lords. They excited there a violent storm; but a calm followed, and they were discussed in detail. The first question debated was whether there was an original contract between the people and the king. After a discussion, in which the aristocratic terrors which had so long supported the tyranny of James, still manifested themselves, the question was carried by fifty-three to forty-six. The abdication and forfeiture of James, by the violation of the popular liberties and his flight from the kingdom, seemed naturally to follow from this first proposition, as the fact of the vacancy of the throne from the abdication of James; but a majority, an inconsiderable one indeed, decided that James could not abdicate the government; that he had only deserted the kingdom, and that thus the throne was not vacant.

Those who had just admitted the doctrine of the original contract, had resumed their fears of weakening the purity of the monarchical principle, but this fear alone did not restrain them; a motive, which they did not allege, was this: before declaring that the throne was vacant, they wished to know who was to fill it. The vacancy or non-vacancy of the throne was the question between James and England; this was already decided in every person's mind; but the question between the prince of Orange and the nation followed it so closely, and still presented such serious difficulties in the opinion of several members of the upper house, that to adjourn it, they asserted, contrary to all reason, the non-vacancy of the throne. Some among them wished to appoint a regent, others to proclaim the princess Mary and send back the prince; others to give the crown to the prince only; the most general opinion, that of the house of commons, was to give it to the prince and princess together. They who desired a regency or the princess Mary, did not venture to discuss their views openly, but intrigued actively to insure their success. They

contrived that there should be another conference between the two chambers on the question of the vacancy of the throne; and this conference, notwithstanding its apparent solemnity, served only to mask their intrigues and give them time. It had, however, some importance, because to the ill faith shown by the commissioners of the upper chamber, those of the lower house opposed a remarkable superiority of intellect and knowledge. But its inutility as to the question of the vacancy of the throne, — was proved by the facility with which the commissioners of the upper chamber yielded to the arguments of their adversaries, — when the prince of Orange, hitherto a silent spectator of this discussion, — determined at last to show the light in which he regarded it.

All had been astonished at the sort of contemptuous patience with which William awaited from the convention the reward of his services. Perhaps this man, who during his whole life had had but one passion, — the liberty of his country, — cared little for the demonstrations of patriotism of noblemen, whose names were for the most part immediately connected with some of the most disastrous epochs of the reigns of Charles and James. He saw perfectly well that several of them feared to have him for a master, — and endeavoured to have the preference given to the princess his wife. He did not seek to conciliate them, well knowing that after all, the English could not do without him; but he thought it time to let them know his intentions, and accordingly summoning the leading men amongst those whom he knew opposed him, he told them, in his ordinary cold, — dry, — brief way: “ You have seen that I have sought to intimidate or flatter no one. I hear talk of a regency; doubtless, a judicious plan, but do not think of it for me; I would not accept the dignity. There are some who propose to crown the princess; no one better appreciates than I do her virtues and her rights; but I must tell you that I am not a man to take orders from a cap, — or to hold the crown by an apron-string. I will undertake nothing that is not left entirely to myself, — and for my whole life. If others think differently, let them make up their minds at once. Royalty has little charm for me; and as soon as I shall find that I am no longer useful to the English nation, — I know whither the affairs of Europe call me.” (*i.e. my master George, my dear*)

This declaration concurred with that which doctor Burnet

had obtained from the princess in Holland before the departure of the expedition, to determine the course of the convention, which had already declared the vacancy of the throne. The lords, in whose presence William had affected such disdain for royalty, saw that he was eager to settle the matter, and that he was not a man who would submit to the result he seemed to apprehend so little. They brought over the other opposing lords to the opinion already prevalent in the commons. The conference was completed, and the lords adopted the resolution of the commons as to the vacancy of the throne.

All things had been (long before) prepared to secure the result of this declaration. The throne could not remain long vacant: the will of the English nation was that it should be filled,—but on conditions which should guarantee the maintenance of all acquired,—that is to say,—all known liberties. Thus the first aim of the insurrection of 1640 was about to be accomplished. The passions which had compromised and outstepped that aim,—ceased to exist on the day on which parliament,—the conqueror of absolute power,—had been overthrown by a military dictator; and since that time the masses, quitting the revolutionary struggle, had not ceased to progress towards that reconciliation of interests which was to be mutually proclaimed,—unless they chose to be eternally at war. This reconciliation had been sought in the restoration, but not found, because too much had been granted to royal power in re-establishing it. Twenty years of legal resistance, under Charles II., had sometimes given reason to believe that men could with advantage struggle against these inconveniences; five years of an abominable tyranny under James had destroyed this fallacy,—and taught every one that they must again modify royalty. This could be done with prudence: the nearly equal misconduct of all parties,—their common faults,—their excesses imitated by each other,—forbade them to look back to the past, except to profit by the experience afforded by futile attempts,—abrupt reactions,—injustice punished, and finally, by the knowledge how long and difficult a work it is to perfect institutions. The convention rendered itself the organ of this opinion of enlightened England; it offered the crown to William and Mary; but in order that royal power should undertake nothing against the

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national laws,—liberties,—and religion, it made this declaration of rights.

“ 1. That the pretended power of suspending laws or execution of laws by regal authority, without consent of parliament, is illegal. 2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority,—as it hath been assumed and exercised of late,—is illegal. 3. That the commission, for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of the like nature, are illegal and pernicious. 4. That levying of money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in any other manner than the same is or shall be granted, is illegal. 5. That it is the right of the subject to petition the king, and all commitments and prosecutions for such petitionings are illegal. 6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law. 7. That the subjects which are protestants may have arms for their defence,—suitable to their condition, and as allowed by law. 8. That elections of members of parliament ought to be free. 9. That the freedom of speech and debates, or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament. 10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted. 11. That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials of high treason, ought to be freeholders. 12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void. 13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently; and they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and privileges; and no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example.”

This new declaration of rights was less energetic than that of 1640; the latter had been made against royal power as a manifesto of war; passion and inexperience gave their

principles its republican turn. The new declaration addressed to a power which men were about to establish, and which inspired them with confidence, was a simple warning given to it not to touch the liberties which the banished family had attacked.

Immediately after voting this declaration, the two houses solemnly resolved that the prince and princess of Orange should be together named king and queen of England, and that the administration of government should rest with the king alone. A new form of oath was drawn up to replace the former oaths of allegiance and supremacy: it was in these terms: "*I do sincerely promise and swear that I will be faithful, and bear true allegiance to their majesties king William and queen Mary.*" The former oath was: "*To the king, my just and lawful sovereign.*" The words *just and lawful* were erased. The suppression was at once understood by the country. In it was comprehended the entire thought of the new revolution, as it was conceived by the majority of the two chambers. The minority which had opposed the doctrine of the original contract, and which had dissented on the question of the vacancy of the throne, from a remnant of attachment to the Stuart family, adopted this suppression, but solely because they regarded James as alone possessing the right to this title of *just and lawful sovereign*. The ridiculous distinction between the king *de facto*, and the king *de jure*, thus arose, and occasioned divisions which are beyond the purpose of this history.

Thus terminated the English counter-revolution. The middle classes, in the interests of their property, commenced it, by preferring the military despotism of Cromwell to a reform which promised to the inferior classes a community of property. In the interest of order and repose, they continued it against the army when the death of Cromwell had replaced it in its condition as a republican party; and then, to conquer the army, they recalled and placed above it the higher classes and royalty. The passion-led reaction, which called in the Stuarts, and courted them as ministers of vengeance against the levellers, the republicans, the fanatics, and the old adherents of the protectorate, ended when these were no longer to be feared. The Stuarts were terrified when all around them grew tranquil. The Anglicans, after having

sacrificed the presbyterians to them, still appeared dangerous; the parliament, after having killed the regicides, still gave them umbrage. They could not forget that the Anglican protestants,—in combating popery,—and the parliament in opposing absolute power,—had begun the revolution. Now among the principles proclaimed by the revolution, it was necessary to distinguish those for which it had undertaken to create facts, and those which were only the expression of facts older than itself. The nation had rejected the former, the second were those which Charles I. had refused to recognise. In order to escape their father's fate, Charles II. and James II. resolved to be more daring than he, to destroy that which he had merely rejected. Yielding to the dictates of this insane project,—they became reformers in their own way,—and thus continued the state of warfare which the nation had wished to escape in recalling them. Resistance, provoked by that which they did to avoid it,—augmented their alarm at every step,—and impelled them onwards in their work of destruction until the discontent of the nation once more became anger. It was then necessary to oppose passion to passion,—to return hate for hate; and it was especially James who urged arbitrary counsels and efforts, because in him the sense of danger was stronger,—and because he detested liberty as the puritan visionaries had detested royal power. The light of reason which at times caused Charles to mourn over the inevitable descent,—no longer shone over a throne,—already utterly compromised,—when James brought to it his passions and weak intellect. The double direction given to the government under Charles II. ceased,—and it was the occult direction,—defeated by the formidable imposture of Oates and restored by the Rye House plot,—which for a while prevailed. The jesuits were called in to destroy that which by a ridiculous abstraction of ideas they and a few obstinate absolutists persisted in calling the revolution,—thirty years after the facile usurpation of Cromwell. They led James precisely by that in which Charles II. was wanting,—the conscience. They made full use of their casuistical power over a credulous mind,—whose inclinations were all revengeful and bloodthirsty; they relieved him from the remorse which they did not feel themselves. They spared neither fraud,—nor violence,—nor crime to insure success; nor were they deficient in ability:

(-except that they had never the brains to see it w<sup>d</sup> always be "no go".)



they displayed it in the skilful combination of their intrigues and attempts. After having spread so general a terror, that no one dared attempt any other protest than what might proceed from free elections, they governed without parliaments. They took from the towns their charters, from the corporations their electoral privileges, in order that the impossibility of naming worthy representatives might induce them to renounce the desire of being represented. In order to mould future governments to the yoke, they invaded the public educational establishments. To deprive the nation of the right of examination in matters of government, it only remained for them to extirpate from the kingdom that religion which had heretofore taught the people to judge their kings; they did not attack it in all its sects, but only in that which was predominant, and thus gained over the rest as allies. It was an astonishing spectacle, that extreme party in the counter-revolution calling to its aid, in the name of religious toleration, all that remained of the extreme revolutionists; but this alliance, solicited by a government which lived from day to day, could not last; it terminated with the intention manifested by the jesuits of giving to the crown a successor brought up in catholic intolerance. Finally, when William offered himself to the nation as a liberator, the futility of all these enterprises became matter of contemptuous pity; the nation had never ceased to cherish its political liberties and its religious guarantees; they existed in things, in manners, in the affections, at a time when they were nominally destroyed; while of that absolute power, that foreign religion, which had been introduced with such labour, nothing remained. James built a few chapels, had exhibited the catholic surplice to the people of London, had had the satisfaction of publicly attending mass; and whilst he crossed the sea, a fugitive, a free parliament, as a lesson for the future, was inscribing in the records of England, this memorable vote—"James II., king of England by violating, by the advice of jesuits and other wicked persons, the fundamental laws, has abdicated the government."

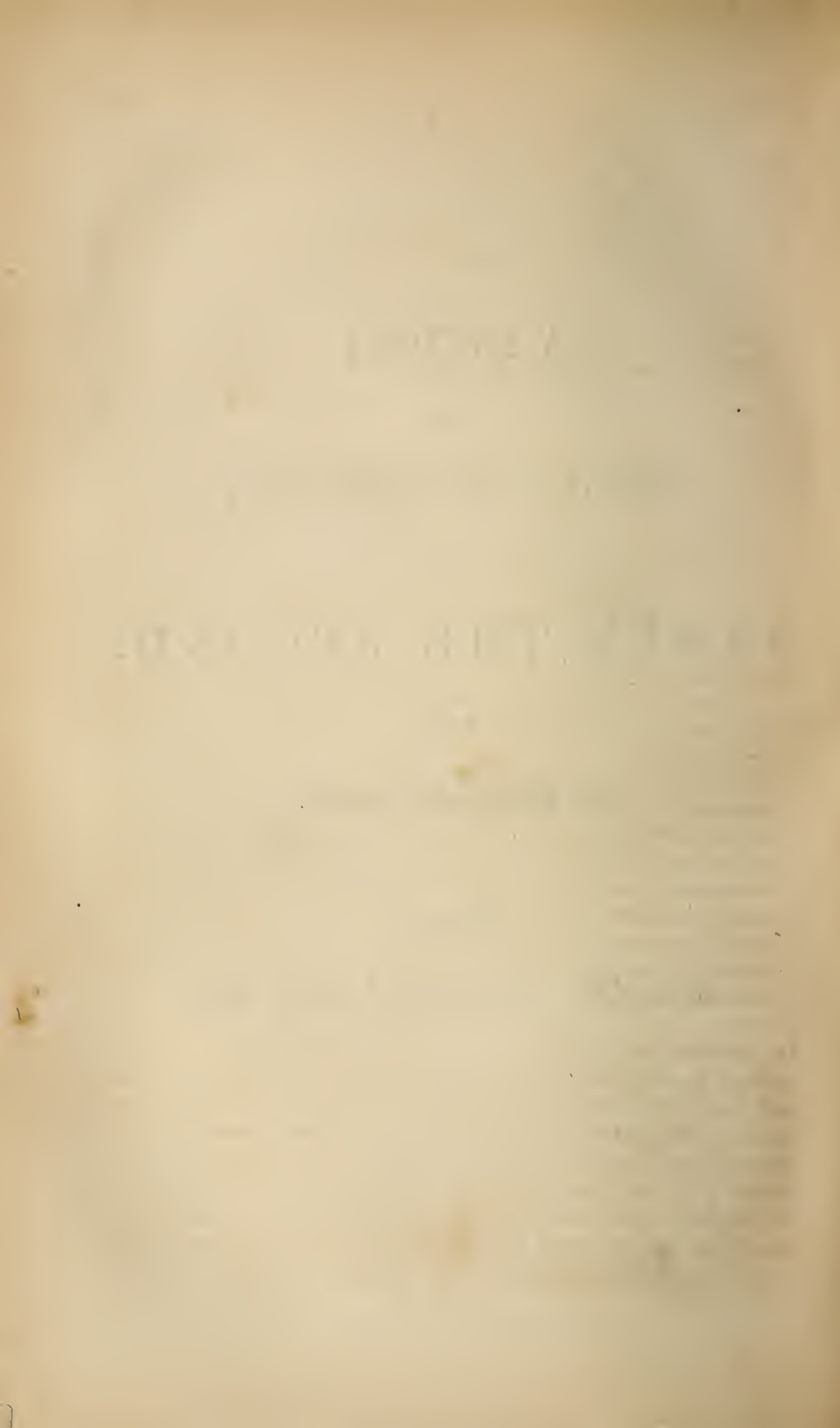


A HISTORY  
OF  
THE EARLY PART OF THE REIGN  
OF  
JAMES THE SECOND:

WITH  
An Introductory Chapter.

BY THE  
RT. HON. CHARLES JAMES FOX.





A HISTORY  
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INTRODUCTORY CHAPTER.

Introductory observations—First period, from Henry VII. to the year 1588—Second period, from 1588 to 1640—Meeting of Parliament—Redress of grievances—Strafford's attainder—The commencement of the civil war—Treaty from the Isle of Wight—The king's execution—Cromwell's power; his character—Indifference of the nation respecting forms of government—The restoration—Ministry of Clarendon and Southampton—Cabal—Dutch war—De Witt—The Prince of Orange—The Popish plot—The Habeas Corpus Act—The Exclusion Bill—Dissolution of Charles the Second's last parliament—His power; his tyranny in Scotland; in England—Exorbitant fines—Executions—Forfeitures of charters—Despotism established—Despondency of good men—Charles's death; his character—Reflections upon the probable consequences of his reign and death.

IN reading the history of every country, there are certain periods at which the mind naturally pauses to meditate upon, and consider them, with reference, not only to their immediate effects, but to their more remote consequences. After the wars of Marius and Sylla, and the incorporation, as it were, of all Italy with the city of Rome, we cannot but stop to consider the consequences likely to result from these important events; and in this instance we find them to be just such as might have been expected.

*King-  
85-1509* The reign of our Henry VII. affords a field of more doubtful speculation. Every one who takes a retrospective view of the wars of York and Lancaster, and attends to the regulations effected by the policy of that prince, must see they would necessarily lead to great and important changes in the government; but what the tendency of such changes would be, and much more, in what manner they would be produced, might be a question of great difficulty. It is now the generally received opinion, and I think a probable opinion, that to the provisions of that reign we are to refer the origin,—both of the unlimited power of the Tudors, and of the liberties wrested by our ancestors from the Stuarts; that tyranny was their immediate,—and liberty their remote,—consequence; but he must have great confidence in his own sagacity, who can satisfy himself that, unaided by the knowledge of subsequent events, he could, from a consideration of the causes, have foreseen the succession of effects so different.

Another period, that affords ample scope for speculation of this kind, is that which is comprised between the years 1588 and 1640, a period of almost uninterrupted tranquillity and peace. The general improvement in all arts of civil life, and above all, the astonishing progress of literature, are the most striking among the general features of that period, and are in themselves causes sufficient to produce effects of the utmost importance. A country whose language was enriched by the works of Hooker, Raleigh, and Bacon,—could not but experience a sensible change in its manners,—and in its style of thinking; and even to speak the same language in which Spenser and Shakspeare had written,—seemed a sufficient plea to rescue the commons of England from the appellation of brutes,—with which Henry VIII. had addressed them. Among the more particular effects of this general improvement, the most material and worthy to be considered appear to me to have been the frequency of debate in the house of commons,—and the additional value that came to be set on a seat in that assembly.

From these circumstances a sagacious observer may be led to expect the most important revolutions; and from the latter, he may be enabled to foresee that the house of commons will be the principal instrument in bringing them to pass. But in what manner will that house conduct itself? Will it con-



tent itself with its regular share of legislative power, and with the influence which it cannot fail to possess, whenever it exerts itself upon the other branches of the legislative, and on the executive power? or will it boldly (perhaps rashly) pretend to a power commensurate with the natural rights of the representative of the people? If it should, will it not be obliged to support its claims by military force? and how long will such a force be under its control? how long before it follows the usual course of all armies, and ranges itself under a single master? If such a master should arise, will he establish an hereditary or an elective government? if the first, what will be gained but a change of dynasty? If the second, will not the military force, as it chose the first king or protector, (the name is of no importance,) choose in effect all his successors? Or will he fail, and shall we have a restoration, usually the most dangerous and worst of all revolutions? To some of these questions the answers may, from the experience of past ages, be easy, but to many of them far otherwise. And he will read history with most profit who the most canvasses questions of this nature, especially if he can divest his mind, for the time, of the recollection of the event as it (in fact) succeeded.

The next period, as it is that which immediately precedes the commencement of this history, requires a more detailed examination; nor is there any more fertile of matter, whether for reflection or speculation. Between the year 1640 and the death of Charles II., we have the opportunity of contemplating the state in almost every variety of circumstance. Religious dispute, political contest in all its forms and degrees, from the honest exertions of party and the corrupt intrigues of faction, to violence and civil war; despotism, first in the person of an usurper, and afterwards in that of an hereditary king; the most memorable and salutary improvements in the laws, the most abandoned administration of them; in fine, whatever can happen to a nation, whether of glorious or calamitous, makes a part of this astonishing and instructive picture.

The commencement of this period is marked by exertions of the people, through their representatives in the house of commons, not only justifiable in their principle, but directed to the properest objects, and in a manner the most judicious.

Many of their leaders were greatly versed in ancient as well as modern learning, and were even enthusiastically attached to the great names of antiquity; but they never conceived the wild project of assimilating the government of England to that of Athens, of Sparta, or of Rome. They were content with applying to the English constitution, and to the English laws, the spirit of liberty which had animated and rendered illustrious the ancient republics. Their first object was to obtain redress of past grievances with a proper regard to the individuals who had suffered; the next, to prevent the recurrence of such grievances, by the abolition of tyrannical tribunals acting upon arbitrary maxims in criminal proceedings, and most improperly denominated courts of justice. They then proceeded to establish that fundamental principle of all free government, the preserving of the purse to the people and their representatives. And though there may be more difference of opinion upon their proposed regulations in regard to the militia, yet surely, when a contest was to be foreseen, they could not, consistently with prudence, leave the power of the sword altogether in the hands of an adverse party.

The prosecution of Lord Strafford, or rather, the manner in which it was carried on, is less justifiable. He was doubtless a great delinquent, and well deserved the severest punishment; but nothing short of a clearly proved case of self-defence can justify, or even excuse, a departure from the sacred rules of criminal justice. For it can rarely indeed happen, that the mischief to be apprehended from suffering any criminal, however guilty, to escape, can be equal to that resulting from the violation of those rules to which the innocent owe the security of all that is dear to them. If such cases have existed, they must have been in instances where trial has been wholly out of the question, as in that of Cæsar, and other tyrants; but when a man is once in a situation to be tried, and his person in the power of his accusers and his judges, he can no longer be formidable in that degree which alone can justify (if anything can) the violation of the substantial rules of criminal proceedings.

At the breaking out of the civil war, so intemperately denominated a rebellion by lord Clarendon and other tory writers, the material question appears to me to be, whether or

not sufficient attempts were made by the parliament and their leaders, to avoid bringing affairs to such a decision? That, according to the general principles of morality,—they had justice on their side, cannot fairly be doubted; but did they sufficiently attend to that great dictum of Tully,<sup>1</sup> in questions of civil dissension,—wherein he declares his preference of even an unfair peace to the most just war? Did they sufficiently weigh the dangers that might ensue even from victory; dangers, in such cases, little less formidable to the cause of liberty than those which might follow a defeat? Did they consider that it is not peculiar to the followers of Pompey, and the civil wars of Rome,—that the event to be looked for is, as the same Tully describes it,—in case of defeat—proscription; in that of victory—servitude? Is the failure of the negotiation when the king was in the Isle of Wight to be imputed to the suspicions justly entertained of his sincerity? or to the ambition of the parliamentary leaders? If the insincerity of the king was the real cause, ought not the mischief to be apprehended from his insincerity,—rather to have been guarded against by treaty, than alleged as a pretence for breaking off the negotiation? Sad, indeed, will be the condition of the world, if we are never to make peace with an adverse party whose sincerity we have reason to suspect. Even just grounds for such suspicions will but too often occur, and when such fail, the proneness of man to impute evil qualities as well as evil designs to his enemies, will suggest false ones. In the present case, the suspicion of insincerity was, it is true, so just, as to amount to a moral certainty. The example of the petition of right was a satisfactory proof that the king made no point of adhering to concessions which he considered as extorted from him; and if a philosophical historian, writing above a century after the time, can deem the pretended hard usage Charles met with as a sufficient excuse for his breaking his faith in the first instance, much more must that prince himself, with all his prejudices and notions of his divine right, have thought it justifiable to retract concessions, which to him, no doubt, appeared far more unreasonable than the petition of right, and which, with much more colour, he might consider as extorted. These considerations were pro-

<sup>1</sup> Iniquissimam pacem justissimo bello antefero.



bably the cause why the parliament so long delayed their determination of accepting the king's offer as a basis for treaty; but, unfortunately, they had delayed so long, that when at last they adopted it, they found themselves without power to carry it into execution. The army having now ceased to be the servants, had become the masters, of the parliament, and being entirely influenced by Cromwell, gave a commencement to what may, properly speaking, be called a new reign. The subsequent measures, therefore, the execution of the king, as well as others, are not to be considered as acts of the parliament, but of Cromwell; and great and respectable as are the names of some who sat in the high court, they must be regarded, in this instance, rather as ministers of that usurper, than as acting from themselves.

The execution of the king, though a far less violent measure than that of lord Strafford, is an event of so singular a nature, that we cannot wonder that it should have excited more sensation than any other in the annals of England. This exemplary act of substantial justice, as it has been called by some, of enormous wickedness, by others, must be considered in two points of view. First, was it not in itself just and necessary? Secondly, was the example of it likely to be salutary or pernicious? In regard to the first of these questions, Mr. Hume, not perhaps intentionally, makes the best justification of it, by saying, that while Charles lived, the projected republic could never be secure. But to justify taking away the life of an individual, upon the principle of self-defence, the danger must be, not problematical and remote, but evident and immediate. The danger in this instance was not of such a nature; and the imprisonment, or even banishment, of Charles, might have given to the republic such a degree of security as any government ought to be content with. It must be confessed, however, on the other side, that if the republican government had suffered the king to escape, it would have been an act of justice and generosity wholly unexampled; and to have granted him even his life, would have been one among the more rare efforts of virtue. The short interval between the deposal and death of princes is become proverbial; and though there may be some few examples on the other side, as far as life is concerned, I doubt whether a single instance can be found, where liberty has

been granted to a deposed monarch. Among the modes of destroying persons in such a situation, there can be little doubt but that that adopted by Cromwell and his adherents is the least dishonourable. Edward II., Richard II., Henry VI., Edward V., had none of them long survived their deposal; but this was the first instance, in our history at least, where, of such an act, it could be truly said that it was not done in a corner.

As to the second question, whether the advantage to be derived from the example was such as to justify an act of such violence, it appears to me to be a complete solution of it to observe, that with respect to England, (and I know not upon what ground we are to set examples for other nations, or, in other words, to take the criminal justice of the world into our hands,) it was wholly needless, and therefore unjustifiable, to set one for kings, at a time when it was intended the office of king should be abolished, and consequently, that no person should be in the situation to make it the rule of his conduct. Besides, the miseries attendant upon a deposed monarch seem to be sufficient to deter any prince, who thinks of consequences, from running the risk of being placed in such a situation; or, if death be the only evil that can deter him, the fate of former tyrants deposed by their subjects, would by no means encourage him to hope he could avoid even that catastrophe. As far as we can judge from the event, the example was certainly not very effectual, since both the sons of Charles, though having their father's fate before their eyes, yet feared not to violate the liberties of the people even more than he had attempted to do.

If we consider this question of example in a more extended view, and look to the general effect produced upon the minds of men, it cannot be doubted but the opportunity thus given to Charles, to display his firmness and piety, has created more respect for his memory than it could otherwise have obtained.

Respect and pity for the sufferer, on the one hand, and hatred to his enemies, on the other, soon produce favour and aversion to their respective causes; and thus, even though it should be admitted (which is doubtful) that some advantage may have been gained to the cause of liberty by the terror of the example operating upon the minds of princes, such advantage is far outweighed by the zeal which admiration for virtue,

and pity for sufferings, the best passions of the human heart, have excited in favour of the royal cause. It has been thought dangerous to the morals of mankind, even in fiction and romance, to make us sympathize with characters whose general conduct is blameable; but how much greater must the effect be, when in real history our feelings are interested in favour of a monarch with whom, to say the least, his subjects were obliged to contend in arms for their liberty? After all, however, notwithstanding what the more reasonable part of mankind may think upon this question, it is much to be doubted whether this singular proceeding has not, as much as any other circumstance, served to raise the character of the English nation in the opinion of Europe in general. He who has read, and still more; he who has heard in conversation, discussions upon this subject by foreigners, must have perceived, that, even in the minds of those who condemn the act, the impression made by it has been far more that of respect and admiration, than that of disgust and horror. The truth is, that the guilt of the action, that is to say, the taking away of the life of the king, is what most men in the place of Cromwell and his associates would have incurred; what there is of splendour and of magnanimity in it, I mean the publicity and solemnity of the act, is what few would be capable of displaying. It is a degrading fact to human nature, that even the sending away of the duke of Gloucester was an instance of generosity almost unexampled in the history of transactions of this nature.

From the execution of the king to the death of Cromwell, the government was, with some variation of forms, in substance monarchical and absolute, as a government established by a military force will almost invariably be, especially when the exertions of such a force are continued for any length of time. If to this general rule our own age, and a people whom their origin and near relation to us would almost warrant us to call our own nation, have afforded a splendid and perhaps a solitary exception, we must reflect, not only that a character of virtues so happily tempered by one another, and so wholly unalloyed with any vices, as that of Washington, is hardly to be found in the pages of history, but that even Washington himself might not have been able to act his most glorious of all parts without the existence of circumstances uncommonly



favourable, and almost peculiar to the country which was to be the theatre of it. Virtue like his depends not indeed upon time or place; but although in no country or time would he have degraded himself into a Pisistratus, or a Cæsar, or a Cromwell, he might have shared the fate of a Cato, or a De Witt; or, like Ludlow and Sidney, have mourned in exile the lost liberties of his country.

With the life of the protector almost immediately ended the government which he had established. The great talents of this extraordinary person had supported, during his life, a system condemned equally by reason and by prejudice; by reason, as wanting freedom; by prejudice, as an usurpation; and it must be confessed to be no mean testimony to his genius, that, notwithstanding the radical defects of such a system, the splendour of his character and exploits render the era of the protectorship one of the most brilliant in English history. It is true his conduct in foreign concerns is set off to advantage by a comparison of it with that of those who preceded, and who followed him. If he made a mistake in espousing the French interest instead of the Spanish, we should recollect that in examining this question we must divest our minds entirely of all the considerations which the subsequent relative state of those two empires suggest to us, before we can become impartial judges in it; and at any rate we must allow his reign, in regard to European concerns, to have been most glorious when contrasted with the pusillanimity of James I., with the levity of Charles I., and the mercenary meanness of the two last princes of the house of Stuart. Upon the whole, the character of Cromwell must ever stand high in the list of those who raised themselves to supreme power by the force of their genius; and among such, even in respect of moral virtue, it would be found to be one of the least exceptionable, if it had not been tainted with that most odious (and degrading) of all human vices, hypocrisy.

The short interval between Cromwell's death and the restoration exhibits the picture of a nation either so wearied with changes as not to feel, or so subdued by military power as not to dare to show, any care or even preference with regard to the form of their government. All was in the army; and that army, by such a concurrence of fortuitous

circumstances as history teaches us not to be surprised at, had fallen into the hands of a man, than whom a baser could not be found in its lowest ranks. Personal courage appears to have been Monk's only virtue; reserve and dissimulation made up the whole stock of his wisdom. But to this man did the nation look up, ready to receive from his orders the form of government he should choose to prescribe. There is reason to believe that, from the general bias of the presbyterians, as well as of the cavaliers, monarchy was the prevalent wish; but it is observable, that although the parliament was, contrary to the principle upon which it was pretended to be called, composed of many avowed royalists, yet none dared to hint at the restoration of the king, till they had Monk's permission, or rather command, to receive and consider his letters. It is impossible, in reviewing the whole of this transaction, not to remark that a general who had gained his rank, reputation, and station, in the service of a republic, and of what he, as well as others, called, however falsely, the cause of liberty, made no scruple to lay the nation prostrate at the feet of a monarch, without a single provision in favour of that cause; and if the promise of indemnity may seem to argue that there was some attention, at least, paid to the safety of his associates in arms, his subsequent conduct gives reason to suppose that even this provision was owing to any other cause, rather than to a generous feeling of his breast. For he afterwards not only acquiesced in the insults so meanly put upon the illustrious corpse of Blake, under whose auspices and command he had performed the most creditable services of his life, but in the trial of Argyle, produced letters of friendship and confidence to take away the life of a nobleman,<sup>1</sup> the zeal and cordiality of whose co-operation with him, proved by such documents, was the chief ground of his execution; thus gratuitously surpassing in infamy those miserable wretches who, to save their own lives, are sometimes persuaded to impeach and swear away the lives of their accomplices.

The reign of Charles II. forms one of the most singular as well as of the most important periods of history. It is the era of good laws and bad government. The abolition of

<sup>1</sup> Burnet. Baillie's Letters, ii. 431.

the court of wards, the repeal of the writ *De Heretico Comburendo*, the triennial parliament bill, the establishment of the rights of the house of commons in regard to impeachment, the expiration of the licence act, and above all, the glorious statute of *Habeas Corpus*, have therefore induced a modern writer of great eminence to fix the year 1679 as the period at which our constitution had arrived at its greatest theoretical perfection; but he owns, in a short note upon the passage alluded to, that the times immediately following were times of great practical oppression. What a field for meditation does this short observation from such a man furnish! What reflections does it not suggest to a thinking mind upon the inefficacy of human laws, and the imperfection of human constitutions! We are called from the contemplation of the progress of our constitution, and our attention fixed with the most minute accuracy to a particular point, when it is said to have risen to its utmost perfection. Here we are, then, at the best moment of the best constitution that ever human wisdom framed. What follows? A time of oppression and misery, not arising from external or accidental causes, such as war, pestilence, or famine, nor even from any such alteration of the laws as might be supposed to impair this boasted perfection, but from a corrupt and wicked administration, which all the so much admired checks of the constitution were not able to prevent. How vain, then, how idle, how presumptuous, is the opinion that laws can do everything! and how weak and pernicious the maxim founded upon it, that measures, not men, are to be attended to.

The first years of this reign, under the administration of Southampton and Clarendon, form by far the least exceptionable part of it; and even in this period, the executions of Argyle and Vane, and the whole conduct of the government with respect to church matters, both in England and in Scotland, were gross instances of tyranny. With respect to the execution of those who were accused of having been more immediately concerned in the king's death, that of Scrope, who had come in upon the proclamation, and of the military officers who had attended the trial, was a violation of every principle of law and justice. But the fate of the others, though highly dishonourable to Monk, whose whole power had arisen from his zeal in their service, and the favour and confidence with



which they had rewarded him, and not, perhaps, very creditable to the nation, of which many had applauded, more had supported, and almost all had acquiesced in the act,—is not certainly to be imputed as a crime to the king, or to those of his advisers who were of the cavalier party. The passion of revenge, though properly condemned both by philosophy and religion, yet when it is excited by injurious treatment of persons justly dear to us, is among the most excusable of human frailties; and if Charles, in his general conduct, had shown stronger feelings of gratitude for services performed to his father, his character, in the eyes of many, would be rather raised than lowered by this example of severity against the regicides. Clarendon is said to have been privy to the king's receiving money from Louis XIV.; but what proofs exist of this charge (for a heavy charge it is) I know not. Southampton was one of the very few of the royalist party who preserved any just regard for the liberties of the people; and the disgust which a person possessed of such sentiments must unavoidably feel, is said to have determined him to quit the king's service, and to retire altogether from public affairs. Whether he would have acted upon this determination, his death, which happened in the year 1667,—prevents us now from ascertaining.

After the fall of Clarendon, which soon followed, the king entered into that career of misgovernment,—which, that he was able to pursue it to its end, is a disgrace to the history of our country. If anything can add to our disgust at the meanness with which he solicited a dependence upon Louis XIV., it is, the hypocritical pretence upon which he was continually pressing that monarch. After having passed a law, making it penal to affirm (what was true) that he was a papist,—he pretended (which was certainly not true) to be a zealous and bigoted papist; and the uneasiness of his conscience at so long delaying a public avowal of his conversion, was more than once urged by him as an argument to increase the pension, and to accelerate the assistance, he was to receive from France.<sup>1</sup> In a later period of his reign, when his interest, as he thought, lay the other way, that he might at once continue to earn his wages, and yet put off a public conversion, he

<sup>1</sup> Dalrymple's Memoirs, ii. 33, &c.

stated some scruples, contracted, no doubt, by his affection to the protestant churches, in relation to the popish mode of giving the sacrament, and pretended a wish that the pope might be induced by Louis to consider of some alterations in that respect, to enable him to reconcile himself to the Roman church with a clear and pure conscience.<sup>1</sup> (*high-minded theologian*)

The ministry, known by the name of the Cabal, seems to have consisted of characters so unprincipled, as justly to deserve the severity with which they have been treated by all writers who have mentioned them; but if it is probable that they were ready to betray their king as well as their country, it is certain that the king betrayed them, keeping from them the real state of his connexion with France, and from some of them, at least, the secret of what he was pleased to call his religion. Whether this concealment on his part arose from his habitual treachery, and from the incapacity which men of that character feel of being open and honest, even when they know it is their interest to be so, or from an apprehension that they might demand for themselves some share of the French money, which he was unwilling to give them, cannot now be determined. But to the want of genuine and reciprocal confidence between him and those ministers is to be attributed, in a great measure, the escape which the nation at that time experienced—an escape, however, which proved to be only a reprieve from that servitude to which they were afterwards reduced in the latter years of the reign.

The first Dutch war had been undertaken against all maxims of policy as well as of justice; but the superior infamy of the second, aggravated by the disappointment of all the hopes entertained by good men from the triple alliance, and by the treacherous attempt at piracy with which it was commenced, seems to have effaced the impression of it, not only from the minds of men living at the time, but from most of the writers who have treated of this reign. The principle, however, of both, was the same, and arbitrary power at home was the object of both. The second Dutch war rendered the king's system and views so apparent to all who were not determined to shut their eyes against conviction, that it is difficult to conceive how persons, who had any real care or regard, either

<sup>1</sup> Dalrymple's Memoirs, ii. 84.

for the liberty or honour of the country, could trust him afterwards. And yet even sir William Temple, who appears to have been one of the most honest, as well as of the most enlightened, statesmen of his time, could not believe his treachery to be quite so deep as it was in fact, and seems occasionally to have hoped that he was in earnest in his professed intentions of following the wise and just system that was recommended to him. Great instances of credulity and blindness in wise men are often liable to the suspicion of being pretended, for the purpose of justifying the continuing in situations of power and employment longer than strict honour would allow. But to Temple's sincerity his subsequent conduct gives abundant testimony. When he had reason to think that his services could no longer be useful to his country, he withdrew wholly from public business, and resolutely adhered to the preference of philosophical retirement, which, in his circumstances, was just, in spite of every temptation which occurred to bring him back to the more active scene. The remainder of his life he seems to have employed in the most noble contemplations, and the most elegant amusements; every enjoyment heightened, no doubt, by reflecting on the honourable part he had acted in public affairs, and without any regret on his own account (whatever he might feel for his country) at having been driven from them.

Besides the important consequences produced by this second Dutch war in England, it gave birth to two great events in Holland; the one as favourable as the other was disastrous to the cause of general liberty. The catastrophe of De Witt, the wisest, best, and most truly patriotic minister that ever appeared upon the public stage, as it was an act of the most crying injustice and ingratitude, so, likewise, is it the most completely discouraging example that history affords to the lovers of liberty. If Aristides was banished, he was also recalled; if Dion was repaid for his services to the Syracusans by ingratitude, that ingratitude was more than once repented of; if Sidney and Russell died upon the scaffold, they had not the cruel mortification of falling by the hands of the people; ample justice was done to their memory, and the very sound of their names is still animating to every Englishman attached to their glorious cause. But with De Witt fell also his cause and his party; and although a name so respected by all who



revere virtue and wisdom, when employed in their noblest sphere, the political service of the public, must undoubtedly be doubly dear to his countrymen, yet I do not know that, even to this day, any public honours have been paid by them to his memory.

On the other hand, the circumstances attending the first appearance of the prince of Orange in public affairs, were, in every respect, most fortunate for himself, for England, for Europe. Of an age to receive the strongest impressions, and of a character to render such impressions durable, he entered the world in a moment when the calamitous situation of the United Provinces could not but excite in every Dutchman the strongest detestation of the insolent ambition of Louis XIV., and the greatest contempt of an English government, which could so far mistake or betray the interests of the country as to lend itself to his projects. Accordingly, the circumstances attending his outset seem to have given a lasting bias to his character; and through the whole course of his life, the prevailing sentiments of his mind seem to have been those which he imbibed at this early period. These sentiments were most peculiarly adapted to the positions in which this great man was destined to be placed. The light in which he viewed Louis rendered him the fittest champion of the independence of Europe; and in England, French influence and arbitrary power were in those times so intimately connected, that he who had not only seen with disapprobation, but had so sensibly felt the baneful effects of Charles's connexion with France, seemed educated, — as it were, — to be the defender of English liberty. This prince's struggles in defence of his country, his success in rescuing it from a situation to all appearance so desperate, and the consequent failure and mortification of Louis XIV., form a scene in history upon which the mind dwells with unceasing delight. One never can read Louis's famous declaration against the Hollanders, knowing the event which is to follow, without feeling the heart dilate with exultation, and a kind of triumphant contempt, which, though not quite consonant to the principles of pure philosophy, never fails to give the mind inexpressible satisfaction. Did the relation of such events form the sole, or even any considerable part of the historian's task, pleasant indeed would be his labours; but, though far less agreeable, it is not a less useful or necessary

part of his business, to relate the triumphs of successful wickedness, and the oppression of truth, justice, and liberty.

The interval from the separate peace between England and the United Provinces, to the peace of Nymegen, was chiefly employed by Charles in attempts to obtain money from France and other foreign powers, in which he was sometimes more, sometimes less successful; and in various false professions, promises, and other devices to deceive his parliament and his people, in which he uniformly failed. Though neither the nature and extent of his connexion with France, nor his design of introducing popery into England, were known at that time, as they now are, yet there were not wanting many indications of the king's disposition, and of the general tendency of his designs. Reasonable persons apprehended that the supplies asked were intended to be used, not for the specious purpose of maintaining the balance of Europe, but for that of subduing the parliament and people who should give them; and the great antipathy of the bulk of the nation to popery caused many to be both more clear-sighted in discovering, and more resolute in resisting the designs of the court, than they would probably have shown themselves, if civil liberty alone had been concerned.

When the minds of men were in the disposition which such a state of things was naturally calculated to produce, it is not to be wondered at that a ready, and, perhaps, a too facile belief should have been accorded to the rumour of a popish plot. But with the largest possible allowance for the just apprehensions which were entertained, and the consequent irritation of the country, it is wholly inconceivable how such a plot as that brought forward by Tongue and Oates could obtain any general belief. Nor can any stretch of candour make us admit it to be probable, that all who pretended a belief of it did seriously entertain it. On the other hand, it seems an absurdity, equal almost in degree to the belief of the plot itself, to suppose that it was a story fabricated by the earl of Shaftesbury, and the other leaders of the whig party; and it would be highly unjust, as well as uncharitable, not to admit, that the generality of those who were engaged in the prosecution of it were probably sincere in their belief of it, since it is unquestionable that at the time very many persons, whose political prejudices were of a quite different complexion,

were under the same delusion. The unanimous votes of the two houses of parliament, and the names, as well as the number of those who pronounced lord Stafford to be guilty, seem to put this beyond a doubt. Dryden, writing soon after the time, says, in his *Absalom and Achitophel*, that the plot was

“Bad in itself, but represented worse:”

that

“Some truth there was, but dash’d and brew’d with lies:”

and that

“Succeeding times did equal folly call,  
Believing nothing, or believing all.”

and Dryden will not, by those who are conversant in the history and works of that immortal writer, be suspected either of party prejudice in favour of Shaftesbury and the whigs, or of any view to prejudice the country against the duke of York’s succession to the crown. The king repeatedly declared his belief of it. These declarations, if sincere, would have some weight; but if insincere, as may be reasonably suspected, they afford a still stronger testimony to prove that such belief was not exclusively a party opinion, since it cannot be supposed, that even the crooked politics of Charles could have led him to countenance fictions of his enemies, which were not adopted by his own party. Wherefore, if this question were to be decided upon the ground of authority, the reality of the plot would be admitted; and it must be confessed, that, with regard to facts remote, in respect either of time or place, wise men generally diffide in their own judgment, and defer to that of those who have had a nearer view of them. But there are cases where reason speaks so plainly as to make all argument drawn from authority of no avail, and this is surely one of them. Not to mention correspondence by post on the subject of regicide, detailed commissions from the pope, silver bullets, &c. &c., and other circumstances equally ridiculous, we need only advert to the part attributed to the Spanish government in this conspiracy, and to the alleged intention of murdering the king, to satisfy ourselves that it was a forgery.

Rapin, who argues the whole of this affair with a degree of weakness as well as disingenuity very unusual to him, seems at last to offer us a kind of compromise, and to be satis-



fied if we will admit that there was a design or project to introduce popery and arbitrary power, at the head of which were the king and his brother. Of this, I am as much convinced as he can be; but how does this justify the prosecution and execution of those who suffered, since few, if any of them were in a situation to be trusted by the royal conspirators with their designs? When he says, therefore, that that is precisely what was understood by the conspiracy, he by no means justifies those who were the principal prosecutors of the plot. The design to murder the king, he calls the appendage of the plot: a strange expression this, to describe the projected murder of a king; though not more strange than the notion itself when applied to a plot, the object of which was to render that very king absolute, and to introduce the religion which he most favoured. But it is to be observed, that though, in considering the bill of exclusion, the militia bill, and other legislative proceedings, the plot, as he defines it—that is to say, the design of introducing popery and arbitrary power—was the important point to be looked to; yet in courts of justice, and for juries and judges, that which he calls the appendage was, generally speaking, the sole consideration.

Although, therefore, upon a review of this truly shocking transaction, we may be fairly justified in adopting the milder alternative, and in imputing to the greater part of those concerned in it, rather an extraordinary degree of blind credulity, than the deliberate wickedness of planning and assisting in the perpetration of legal murders; yet the proceedings on the popish plot must always be considered as an indelible disgrace upon the English nation, in which king, parliament, judges, juries, witnesses, prosecutors, have all their respective, though certainly not equal, shares. Witnesses, of such a character as not to deserve credit in the most trifling cause, upon the most immaterial facts, gave evidence so incredible, or, to speak more properly, so impossible to be true, that it ought not to have been believed if it had come from the mouth of Cato; and upon such evidence, from such witnesses, were innocent men condemned to death and executed. Prosecutors, whether attorneys and solicitors-general, or managers of impeachment, acted with the fury which in such circumstances might be expected; juries partook naturally enough of the national ferment; and judges, whose duty

it was to guard them against such impressions, were scandalously active in confirming them in their prejudices and inflaming their passions. The king, who is supposed to have disbelieved the whole of the plot, never once exercised his glorious prerogative of mercy. It is said he dared not. His throne, perhaps his life, was at stake; and history does not furnish us with the example of any monarch with whom the lives of innocent or even meritorious subjects ever appeared to be of much weight, when put in balance against such considerations.

The measures of the prevailing party in the house of commons, in these times, appear (with the exception of their dreadful proceedings in the business of the pretended plot, and of their violence towards those who petitioned and addressed against parliament) to have been, in general, highly laudable and meritorious; and yet I am afraid it may be justly suspected that it was precisely to that part of their conduct which related to the plot, and which is most reprehensible, that they were indebted for their power to make the noble, and, in some instances, successful struggles for liberty, which do so much honour to their memory. The danger to be apprehended from military force being always, in the view of wise men, the most urgent, they first voted the disbanding of the army, and the two houses passed a bill for that purpose, to which the king found himself obliged to consent. But to the bill which followed, for establishing the regular assembling of the militia, and for providing for their being in arms six weeks in the year, he opposed his royal negative; thus making his stand upon the same point on which his father had done; a circumstance, which, if events had taken a turn against him, would not have failed of being much noticed by historians. Civil securities for freedom came to be afterwards considered; and it is to be remarked, that to these times of heat and passion, and to one of those parliaments which so disgraced themselves and the nation by the countenance given to Oates and Bedloe, and by the persecution of so many innocent victims, we are indebted for the Habeas Corpus act, the most important barrier against tyranny, and best framed protection for the liberty of individuals, that has ever existed in any ancient or modern commonwealth.

But the inefficacy of mere laws in favour of the subjects,

in the case of the administration of them falling into the hands of persons hostile to the spirit in which they had been provided, had been so fatally evinced by the general history of England, ever since the grant of the Great Charter, and more especially by the transactions of the preceding reign, that the parliament justly deemed their work incomplete unless the duke of York were excluded from the succession to the crown. A bill, therefore, for the purpose of excluding that prince was prepared, and passed the house of commons; but being vigorously resisted by the court, by the church, and by the tories, was lost in the house of lords. The restrictions offered by the king to be put upon a popish successor are supposed to have been among the most powerful of those means to which he was indebted for his success.

The dispute was no longer, whether or not the dangers resulting from James's succession were real, and such as ought to be guarded against by parliamentary provisions, but whether the exclusion or restrictions furnished the most safe and eligible mode of compassing the object which both sides pretended to have in view. The argument upon this state of the question is clearly, forcibly, and, I think, convincingly, stated by Rapin, who exposes very ably the extreme folly of trusting to measures, without consideration of the men who are to execute them. Even in Hume's statement of the question, whatever may have been his intention, the arguments in favour of the exclusion appear to me greatly to preponderate. Indeed it is not easy to conceive upon what principles even the tories could justify their support of the restrictions. Many among them, no doubt, saw the provisions in the same light in which the whigs represented them, as an expedient, admirably, indeed, adapted to the real object of upholding the present king's power, by the defeat of the exclusion, but never likely to take effect for their pretended purpose of controlling that of his successor, and supported them for that very reason. But such a principle of conduct was too fraudulent to be avowed; nor ought it, perhaps, in candour to be imputed to the majority of the party. To those who acted with good faith, and meant that the restrictions should really take place and be effectual, surely it ought to have occurred, (and to those who most prized the prerogatives of the crown it ought most forcibly to



have occurred,) that in consenting to curtail the powers of the crown, rather than to alter the succession, they were adopting the greater in order to avoid the lesser evil. The question of what are to be the powers of the crown, is surely of superior importance to that of who shall wear it? Those, at least, who consider the royal prerogative as vested in the king, not for his sake, but for that of his subjects, must consider the one of these questions as much above the other in dignity as the rights of the public are more valuable than those of an individual. In this view the prerogatives of the crown are, in substance and effect, the rights of the people; and these rights of the people were not to be sacrificed to the purpose of preserving the succession to the most favoured prince, much less to one who, on account of his religious persuasion, was justly feared and suspected. In truth, the question between the exclusion and restrictions seems peculiarly calculated to ascertain the different views in which the different parties in this country have seen,—and perhaps ever will see,—the prerogatives of the crown. The whigs, who consider them as a trust for the people,—a doctrine which the Tories themselves, when pushed in argument, will sometimes admit,—naturally think it their duty rather to change the manager of the trust than to impair the subject of it; while others, who consider them as the right or property of the king, will as naturally act as they would do in the case of any other property, and consent to the loss or annihilation of any part of it,—for the purpose of preserving the remainder to him whom they style the rightful owner. If the people be the sovereign and the king the delegate,—it is better to change the bailiff than to injure the farm; but if the king be the proprietor,—it is better the farm should be impaired—nay, part of it destroyed—than that the whole should pass over to an usurper. The royal prerogative ought, according to the whigs, (not in the case of a popish successor only,—but in all cases,) to be reduced to such powers as are in their exercise beneficial to the people; and of the benefit of these they will not rashly suffer the people to be deprived, whether the executive power be in the hands of an hereditary or of an elected king, of a regent, or of any other denomination of magistrate; while, on the other hand, they who consider prerogative with reference only to royalty, will, with equal

readiness, consent either to the extension or the suspension of its exercise, as the occasional interests of the prince may seem to require. The senseless plea of a divine and indefeasible right in James, which even the legislature was incompetent to set aside, though as inconsistent with the declarations of parliament in the statute book, and with the whole practice of the English constitution,—as it is repugnant to nature and common sense,—was yet warmly insisted upon by the high-church party. Such an argument, as might naturally be expected, operated rather to provoke the whigs to perseverance than to dissuade them from their measure: it was, in their eyes, an additional merit belonging to the exclusion bill, that it strengthened, by one instance more, the authority of former statutes in reprobating a doctrine which seems to imply that man can have a property in his fellow-creatures. By far the best argument in favour of the restrictions, is the practical one that they could be obtained, and that the exclusion could not; but the value of this argument is chiefly proved by the event. The exclusionists had a fair prospect of success, and their plan being clearly the best, they were justified in pursuing it.

The spirit of resistance which the king showed in the instance of the militia and the exclusion bills, seems to have been systematically confined to those cases where he supposed his power to be more immediately concerned. In the prosecution of the aged and innocent lord Stafford,—he was so far from interfering in behalf of that nobleman, that many of those most in his confidence, and, as it is affirmed, the duchess of Portsmouth herself, openly favoured the prosecution. Even after the dissolution of his last parliament, when he had so far subdued his enemies as to be no longer under any apprehensions from them,—he did not think it worth while to save the life of Plunket, the popish archbishop of Armagh,—of whose innocence no doubt could be entertained. But this is not to be wondered at, since, in all transactions relative to the popish plot, minds of a very different cast from Charles's became, as by some fatality, divested of all their wonted sentiments of justice and humanity. Who can read without horror, the account of that savage murmur of applause,—which broke out upon one of the villains at the bar,—swearing positively to Stafford's having proposed the murder of the king? And

how is this horror deepened, when we reflect, that in that odious cry were probably mingled the voices of men to whose memory every lover of the English constitution is bound to pay the tribute of gratitude and respect! Even after condemnation, lord Russell himself, whose character is wholly (this instance excepted) free from the stain of rancour or cruelty, stickled for the severer mode of executing the sentence, in a manner which his fear of the king's establishing a precedent of pardoning in cases of impeachment, (for this, no doubt, was his motive,) cannot satisfactorily excuse.

In an early period of the king's difficulties, sir William Temple, whose life and character is a refutation of the vulgar notion that philosophy and practical good sense in business are incompatible attainments, recommended to him the plan of governing by a council, which was to consist in great part of the most popular noblemen and gentlemen in the kingdom. Such persons being the natural, as well as the safest, mediators between princes and discontented subjects, this seems to have been the best possible expedient. Hume says it was found too feeble a remedy; but he does not take notice that it was never in fact tried, inasmuch as not only the king's confidence was withheld from the most considerable members of the council, but even the most important determinations were taken without consulting the council itself. Nor can there be a doubt but the king's views, in adopting Temple's advice, were totally different from those of the adviser, whose only error in this transaction seems to have consisted in recommending a plan, wherein confidence and fair dealing were of necessity to be principal ingredients, to a prince whom he well knew to be incapable of either. Accordingly, having appointed the council in April, with a promise of being governed in important matters by their advice, he in July dissolved one parliament without their concurrence, and in October forbade them even to give their opinions upon the propriety of a resolution which he had taken of proroguing another. From that time he probably considered the council to be, as it was, virtually dissolved; and it was not long before means presented themselves to him, better adapted, in his estimation, even to his immediate objects, and certainly more suitable to his general designs. The union between the court and the church party, which had been so closely ce-



mented by their successful resistance to the Exclusion Bill, and its authors, had at length acquired such a degree of strength and consistency, that the king ventured first to appoint Oxford, instead of London, for the meeting of parliament; and then, having secured to himself a good pension from France, to dissolve the parliament there met, with a full resolution never to call another; to which resolution, indeed, Louis had bound him, as one of the conditions on which he was to receive a stipend.<sup>1</sup> No measure was ever attended with more complete success. The most flattering addresses poured in from all parts of the kingdom; divine right, and indiscriminate obedience, were everywhere the favourite doctrines; and men seemed to vie with each other who should have the honour of the greatest share in the glorious work of slavery, by securing to the king, for the present, and after him to the duke, absolute and uncontrollable power. They who, either because Charles had been called a forgiving prince by his flatterers, (upon what ground I could never discover,) or from some supposed connexion between indolence and good nature, had deceived themselves into a hope that his tyranny would be of the milder sort, found themselves much disappointed in their expectations.

The whole history of the remaining part of his reign exhibits an uninterrupted series of attacks upon the liberty, property, and lives of his subjects. The character of the government appeared first, and with the most marked and prominent features, in Scotland. The condemnation of Argyle and Weir, the one for having subjoined an explanation when he took the test oath, the other for having kept company with a rebel, whom it was not proved he knew to be such, and who had never been proclaimed, resemble more the acts of Tiberius and Domitian, than those of even the most arbitrary modern governments. It is true, the sentences were not executed; Weir was reprieved; and whether or not Argyle, if he had not deemed it more prudent to escape by flight, would have experienced the same clemency, cannot now be ascertained. The terror of these examples would have been, in the judgment of most men, abundantly sufficient to teach the people of Scotland their duty, and to satisfy them that their lives, as

<sup>1</sup> Dalrymple's Memoirs.

well as everything else they had been used to call their own, were now completely in the power of their masters. But the government did not stop here, and having outlawed thousands, upon the same pretence upon which Weir had been condemned, inflicted capital punishment upon such criminals of both sexes as refused to answer, or answered otherwise than was prescribed to them to the most ensnaring questions.

In England, the city of London seemed to hold out for a certain time, like a strong fortress in a conquered country; and, by means of this citadel, Shaftesbury and others were saved from the vengeance of the court. But this resistance, however honourable to the corporation who made it, could not be of long duration. The weapons of law and justice were found feeble, when opposed to the power of a monarch who was at the head of a numerous and bigoted party of the nation, and who, which was most material of all, had enabled himself to govern without a parliament. Civil resistance in this country, even to the most illegal attacks of royal tyranny, has never, I believe, been successful, unless when supported by parliament, or at least by a great party in one or other of the two houses. The court having wrested from the livery of London, partly by corruption, and partly by violence, the free election of their mayor and sheriffs, did not wait the accomplishment of their plan for the destruction of the whole corporation, which, from their first success, they justly deemed certain, but immediately proceeded to put in execution their system of oppression. Pilkington, Colt, and Oates were fined a hundred thousand pounds each for having spoken disrespectfully of the duke of York; Barnardiston, ten thousand, for having in a private letter expressed sentiments deemed improper; and Sidney, Russell, and Armstrong, found that the just and mild principles which characterise the criminal law of England could no longer protect their lives, when the sacrifice was called for by the policy or vengeance of the king. To give an account of all the oppression of this period, would be to enumerate every arrest, every trial, every sentence, that took place in questions between the crown and the subjects.

Of the Rye House plot it may be said, much more truly than of the popish, that there was in it some truth, mixed with much falsehood; and though many of the circumstances in Kealing's account are nearly as absurd and ridiculous as

those in Oates's, it seems probable that there was among some of those accused a notion of assassinating the king; but whether this notion was ever ripened into what may be called a design, and, much more, whether it were ever evinced by such an overt act as the law requires for conviction, is very doubtful. In regard to the conspirators of higher ranks, from whom all suspicion of participation in the intended assassination has been long since done away, there is unquestionably reason to believe that they had often met and consulted, as well for the purpose of ascertaining the means they actually possessed as for that of devising others for delivering their country from the dreadful servitude into which it had fallen; and thus far their conduct appears clearly to have been laudable. If they went further, and did anything which could be fairly construed into an actual conspiracy to levy war against the king, they acted, considering the disposition of the nation at that period, very indiscreetly. But whether their proceedings had ever gone this length, is far from certain. Monmouth's communications with the king, when we reflect upon all the circumstances of those communications, deserve not the smallest attention; nor indeed, if they did, does the letter which he afterwards withdrew, prove anything upon this point. And it is an outrage to common sense to call lord Grey's narrative, written, as he himself states in his letter to James II., while the question of his pardon was pending, an authentic account. That which is most certain in this affair is, that they had committed no overt act, indicating the imagining of the king's death, even according to the most strained construction of the statute of Edward III.; much less was any such act legally proved against them. And the conspiring to levy war was not treason, except by a recent statute of Charles II., the prosecutions upon which were expressly limited to a certain time, which in these cases had elapsed; so that it is impossible not to assent to the opinion of those who have ever stigmatized the condemnation and execution of Russell as a most flagrant violation of law and justice.

The proceedings in Sidney's case were still more detestable. The production of papers, containing speculative opinions upon government and liberty, written long before, and perhaps never even intended to be published, together with the



use made of those papers, in considering them as a substitute for the second witness to the overt act, exhibited such a compound of wickedness and nonsense as is hardly to be paralleled in the history of juridical tyranny. But the validity of pretences was little attended to at that time, in the case of a person whom the court had devoted to destruction, and upon evidence such as has been stated was this great and excellent man condemned to die. Pardon was not to be expected. Mr. Hume says, that such an interference on the part of the king, though it might have been an act of heroic generosity, could not be regarded as an indispensable duty. He might have said, with more propriety, that it was idle to expect that the government, after having incurred so much guilt in order to obtain the sentence, should, by remitting it, relinquish the object just when it was within its grasp. The same historian considers the jury as highly blameable, and so do I; but what was their guilt in comparison of that of the court who tried, and of the government who prosecuted, in this infamous cause? Yet the jury, being the only party that can with any colour be stated as acting independently of the government, is the only one mentioned by him as blameable. The prosecutor is wholly omitted in his censure, and so is the court; this last, not from any tenderness for the judge, (who to do this author justice, is no favourite with him,) but lest the odious connexion between that branch of the judicature and the government should strike the reader too forcibly; for Jeffreys, in this instance, ought to be regarded as the mere tool and instrument, (a fit one, no doubt,) of the prince who had appointed him for the purpose of this and similar services. Lastly, the king is gravely introduced on the question of pardon, as if he had had no prior concern in the cause, and were now to decide upon the propriety of extending mercy to a criminal condemned by a court of judicature; nor are we once reminded what that judicature was, by whom appointed, by whom influenced, by whom called upon, to receive that detestable evidence, the very recollection of which, even at this distance of time, fires every honest heart with indignation. As well might we palliate the murders of Tiberius, who seldom put to death his victims without a previous decree of his senate. The moral of all this seems to be, that whenever a prince

can, by intimidation, corruption, illegal evidence, or other such means, obtain a verdict against a subject whom he dislikes, he may cause him to be executed without any breach of indispensable duty; nay, that it is an act of heroic generosity if he spares him. I never reflect on Mr. Hume's statement of this matter but with the deepest regret. Widely as I differ from him upon many other occasions, this appears to me to be the most reprehensible passage of his whole work. A spirit of adulation towards deceased princes, though in a good measure free from the imputation of interested meanness, which is justly attached to flattery when applied to living monarchs, yet, as it is less intelligible with respect to its motives than the other, so is it in its consequences still more pernicious to the general interests of mankind. Fear of censure from contemporaries will seldom have much effect upon men in situations of unlimited authority: they will too often flatter themselves that the same power which enables them to commit the crime, will secure them from reproach. The dread of posthumous infamy, therefore, being the only restraint, their consciences excepted, upon the passions of such persons, it is lamentable that this last defence (feeble enough at best) should in any degree be impaired; and impaired it must be, if not totally destroyed, when tyrants can hope to find in a man like Hume, no less eminent for the integrity and benevolence of his heart than for the depth and soundness of his understanding, an apologist for even their foulest murders.

Thus fell Russell and Sidney, two names that will, it is hoped, be for ever dear to every English heart. When their memory shall cease to be an object of respect and veneration, it requires no spirit of prophecy to foretel that English liberty will be fast approaching to its final consummation. Their deportment was such as might be expected from men who knew themselves to be suffering, not for their crimes, but for their virtues. In courage they were equal, but the fortitude of Russell, who was connected with the world by private and domestic ties, which Sidney had not, was put to the severer trial; and the story of the last days of this excellent man's life fills the mind with such a mixture of tenderness and admiration, that I know not any scene in history that more powerfully excites our sympathy, or goes more directly to the heart.



The very day on which Russell was executed, the University of Oxford passed their famous decree, condemning formally, as impious and heretical propositions, every principle upon which the constitution of this or any other free country can maintain itself. Nor was this learned body satisfied with stigmatizing such principles as contrary to the Holy Scriptures, to the decrees of councils, to the writings of the fathers, to the faith and profession of the primitive church, as destructive of the kingly government, the safety of his majesty's person, the public peace, the laws of nature, and bounds of human society; but after enumerating the several obnoxious propositions,—among which was one declaring all civil authority derived from the people; another, asserting a mutual contract,—tacit or express,—between the king and his subjects; a third, maintaining the lawfulness of changing the succession to the crown; with many others of a like nature, they solemnly decreed all and every of those propositions to be not only false and seditious, but impious, and that the books which contained them were fitted to lead to rebellion, murder of princes, and atheism itself. Such are the absurdities which men are not ashamed to utter in order to cast odious imputations upon their adversaries; and such the manner in which churchmen will abuse,—when it suits their policy,—the holy name of that religion whose first precept is to love one another, for the purpose of teaching us to hate our neighbours with more than ordinary rancour. If “Much Ado about Nothing” had been published in those days, the town-clerk's declaration,—that receiving a thousand ducats for accusing the Lady Hero wrongfully,—was flat burglary,—might be supposed to be a satire upon this decree; yet Shakspeare, well as he knew human nature,—not only as to its general course, but in all its eccentric deviations, could never dream that, in the persons of Dogberry, Verges, and their followers, he was representing the vice-chancellors and doctors of our learned university.

Among the oppressions of this period, most of which were attended with consequences so much more important to the several objects of persecution, it may seem scarcely worth while to notice the expulsion of John Locke from Christ Church College, Oxford. But besides the interest which every incident in the life of a person so deservedly eminent,



naturally excites, there appears to have been something in the transaction itself characteristic of the spirit of the times, as well as of the general nature of absolute power. Mr. Locke was known to have been intimately connected with lord Shaftesbury, and had very prudently judged it advisable for him to prolong for some time his residence upon the continent, to which he had resorted originally on account of his health. A suspicion, as it has been since proved unfounded, that he was the author of a pamphlet which gave offence to the government, induced the king to insist upon his removal from his studentship at Christ Church. Sunderland writes, by the king's command, to Dr. Fell, bishop of Oxford and dean of Christ Church. The reverend prelate answers, that he has long had an eye upon Mr. Locke's behaviour; but though frequent attempts had been made (attempts of which the bishop expresses no disapprobation,) to draw him into imprudent conversation, by attacking, in his company, the reputation and insulting the memory of his late patron and friend, and thus to make his gratitude and all the best feelings of his heart instrumental to his ruin, these attempts all proved unsuccessful. Hence the bishop infers, not the innocence of Mr. Locke, but that he was a great master of concealment, both as to words and looks; for looks, it is to be supposed, would have furnished a pretext for his expulsion, more decent than any which had yet been discovered. An expedient is then suggested to drive Mr. Locke to a dilemma, by summoning him to attend the college on the first of January ensuing. If he do not appear, he shall be expelled for contumacy; if he come, matter of charge may be found against him for what he shall have said at London or elsewhere, where he will have been less upon his guard than at Oxford. Some have ascribed Fell's hesitation, if it can be so called, in executing the king's order, to his unwillingness to injure Locke, who was his friend; others, with more reason, to the doubt of the legality of the order. However this may have been, neither his scruple nor his reluctance was regarded by a court who knew its own power. A peremptory order was accordingly sent, and immediate obedience ensued. Thus while, without the shadow of a crime, Mr. Locke lost a situation attended with some emolument and great convenience, was the university deprived of, or rather thus, from the base

principles of servility, did she cast away the man, the having produced whom is now her chiefest glory; and thus, to those who are not determined to be blind, did the true nature of absolute power discover itself, against which the middling station is not more secure than the most exalted. Tyranny, when glutted with the blood of the great, and the plunder of the rich, will condescend to hunt humbler game, and make a peaceable and innocent fellow of a college the object of its persecution. In this instance, one would almost imagine there was some instinctive sagacity in the government of that time, which pointed out to them, even before he had made himself known to the world, the man who was destined to be the most successful adversary of superstition and tyranny.

The king, during the remainder of his reign, seems, with the exception of Armstrong's execution, which must be added to the catalogue of his murders, to have directed his attacks more against the civil rights, properties, and liberties, than against the lives of his subjects. Convictions against evidence, sentences against law, enormous fines, cruel imprisonments, were the principal engines<sup>1</sup> employed for the purpose of breaking the spirit of individuals, and fitting their necks for the yoke. But it was not thought fit to trust wholly to the effect which such examples would produce upon the public. That the subjugation of the people might be complete, and despotism be established upon the most solid foundation, measures of a more general nature and effect were adopted; and first, the charter of London, and then those of almost all the other corporations in England, were either forfeited or forced to a surrender. By this act of violence two important points were thought to be gained; one, that in every regular assemblage of the people, in any part of the kingdom, the crown would have a commanding influence; the other, that in case the king should find himself compelled to break his engagement to France, and to call a parliament, a great majority of members would be returned by electors of his nomination, and subject to his control. In the affair of the charter of London, it was seen, as in the case of ship-money,

<sup>1</sup> The expedient of transporting men among common felons for political offences was not then invented, which is the more extraordinary, as it had begun in this reign to be in some degree made use of in religious persecutions.

how idle it is to look to the integrity of judges for a barrier against royal encroachments, when the courts of justice are not under the constant and vigilant control of parliament. And it is not to be wondered at, that, after such a warning, and with no hope of seeing a parliament assemble, even they who still retained their attachment to the true constitution of their country, should rather give way to the torrent, than make a fruitless and dangerous resistance.

Charles being thus completely master, was determined that the relative situation of him and his subjects should be clearly understood, for which purpose he ordered a declaration to be framed, wherein, after having stated that he considered the degree of confidence they had reposed in him as an honour particular to his reign, which not one of his predecessors had ever dared even to hope for, he assured them he would use it with all possible moderation, and convince even the most violent republicans, that as the crown was the origin of the rights and liberties of the people, so was it their most certain and secure support. This gracious declaration was ready for the press at the time of the king's death, and if he had lived to issue it, there can be little doubt how it would have been received, at a time when

nunquam libertas gratior extat  
Quam sub rege pio,

was the theme of every song, and, by the help of some perversion of Scripture, the text of every sermon. But whatever might be the language of flatterers, and how loud soever the cry of a triumphant, but deluded party, there were not wanting men of nobler sentiments, and of more rational views. Minds once thoroughly imbued with the love of what Sidney, in his last moments, so emphatically called the good old cause, will not easily relinquish their principles: nor was the manner in which absolute power was exercised, such as to reconcile to it, in practice, those who had always been averse to it in speculation. The hatred of tyranny must, in such persons, have been exasperated by the experience of its effects, and their attachment to liberty proportionably confirmed. To them the state of their country must have been intolerable: to reflect upon the efforts of their fathers, once their pride and glory, and whom they themselves had followed with no



unequal steps, and to see the result of all in the scenes that now presented themselves, must have filled their minds with sensations of the deepest regret, and feelings bordering at least on despondency. To us, who have the opportunity of combining, in our view of this period, not only the preceding but subsequent transactions,—the consideration of it may suggest reflections far different, and speculations more consolatory. Indeed, I know not that history can furnish a more forcible lesson against despondency, than by recording, that within a short time from those dismal days in which men of the greatest constancy despaired,—and had reason to do so,—within five years from the death of Sidney,—arose the brightest era of freedom known to the annals of our country. *(cum duplicantiur hunc venit*

It is said that the king,—when at the summit of his power, was far from happy; and a notion has been generally entertained, that not long before his death he had resolved upon the recal of Monmouth, and a correspondent change of system. That some such change was apprehended seems extremely probable, from the earnest desire which the court of France, as well as the duke of York's party in England, entertained, in the last years of Charles's life,—to remove the marquis of Halifax,—who was supposed to have friendly dispositions to Monmouth.  *facile* Among the various objections to that nobleman's political principles, we find the charge most relied upon, for the purpose of injuring him in the mind of the king, was founded on the opinion he had delivered in council, in favour of modelling the charters of the British colonies in North America upon the principles of the rights and privileges of Englishmen. There was no room to doubt (he was accused of saying) that the same laws under which we live in England, should be established in a country composed of Englishmen. He even dilated upon this, and omitted none of the reasons by which it can be proved, that an absolute government is neither so happy (nor so safe) as that which is tempered by laws, and which limits the authority of the prince. He exaggerated,—it was said,—the mischiefs of a sovereign power, and declared plainly, that he could not make up his mind to live under a king who should have it in his power to take, when he pleased, the money he might have in his pocket. All the other ministers had combated, as might be expected, sentiments so extraordinary; and without entering

into the general question of the comparative value of different forms of government, maintained that his majesty could and ought to govern countries so distant, in the manner that should appear to him most suitable for preserving or augmenting the strength and riches of the mother country. It had been therefore resolved, that the government and council of the Provinces under the new charter should not be obliged to call assemblies of the colonists for the purpose of imposing taxes, or making other important regulations, but should do what they thought fit, without rendering any account of their actions, except to his Britannic majesty. The affair having been so decided with a concurrence only short of unanimity, was no longer considered as a matter of importance, nor would it be worth recording, if the duke of York and the French court had not fastened upon it, as affording the best evidence of the danger to be apprehended from having a man of Halifax's principles in any situation of trust or power. There is something curious in discovering, that even at this early period a question relative to North American liberty, and even to North American taxation, was considered as the test of principles friendly, or adverse to arbitrary power at home. But the truth is, that among the several controversies which have arisen, there is no other wherein the natural rights of man on the one hand, and the authority of artificial institution on the other, as applied respectively, by the whigs and tories, to the English constitution, are so fairly put in issue, nor by which the line of separation between the two parties is so strongly and distinctly marked.

There is some reason for believing that the court of Versailles had either wholly discontinued, or at least had become very remiss in, the payments of Charles's pension; and it is not unlikely that this consideration may have induced him either really to think of calling a parliament, or at least to threaten Louis with such a measure, in order to make that prince more punctual in performing his part of their secret treaty. But whether or not any secret change was really intended, or if it were, to what extent, and to what objects directed, are points which cannot now be ascertained, no public steps having ever been taken in this affair, and his majesty's intentions, if in truth he had any such, becoming abortive by the sudden illness which seized him on the 1st of February, 1685,

and which, in a few days afterwards, put an end to his reign and life. His death was by many supposed to have been the effect of poison; but although there is reason to believe that this suspicion was harboured by persons very near to him, and among others, as I have heard, by the duchess of Portsmouth, it appears, upon the whole, to rest upon very slender foundations.<sup>1</sup>

With respect to the character of this prince, upon the delineation of which so much pains have been employed, by the various writers who treat of the history of his time, it must be confessed that the facts which have been noticed in the foregoing pages furnish but too many illustrations of the more unfavourable parts of it. From these, we may collect, that his ambition was directed solely against his subjects, while he was completely indifferent concerning the figure which he or they might make in the general affairs of Europe; and that his desire of power was more unmixed with love of glory than that of any other man whom history has recorded; that he was unprincipled, ungrateful, mean, and treacherous, to which may be added, vindictive, and remorseless. For Burnet, in refusing to him the praise of clemency and forgiveness, seems to be perfectly justifiable, nor is it conceivable upon what pretence his partisans have taken this ground of panegyric. I doubt whether a single instance can be produced, of his having spared the life of any one whom motives either of policy or of revenge prompted him to destroy. To allege that of Monmouth, as it would be an affront to human nature, so would it likewise imply the most severe of all satires against the monarch himself, and we may add too, an undeserved one. For in order to consider it as an act of meritorious forbearance on his part, that he did not follow the example of Constantine and Philip II., by imbruing his hands in the blood of his son, we must first suppose him to have been wholly void of every natural affection, which does not appear to have been the case.

<sup>1</sup> Mr. Fox had this report from the family of his mother, great granddaughter to the duchess of Portsmouth. The duchess of Portsmouth lived to a very advanced age, and retained her faculties to the period of her death, which happened in 1734, at Aubigny. Mr. Fox's mother, when very young, saw her at that place; and many of the Lenox family, with whom Mr. Fox was subsequently acquainted, had, no doubt, frequently conversed with her.—ED.



His declaration, that he would have pardoned Essex, being made when that nobleman was dead, and not followed by any act evincing its sincerity, can surely obtain no credit from men of sense. If he had really had the intention, he ought not to have made such a declaration, unless he accompanied it with some mark of kindness to the relations, or with some act of mercy to the friends, of the deceased. Considering it as a mere piece of hypocrisy, we cannot help looking upon it as one of the most odious passages of his life. This ill-timed boast of his intended mercy, and the brutal taunt with which he accompanied his mitigation (if so it may be called) of Russell's sentence, show his insensibility and hardness to have been such, that in questions where right feelings were concerned, his good sense, and even the good taste for which he has been so much extolled, seemed wholly to desert him.

On the other hand, it would be want of candour to maintain, that Charles was entirely destitute of good qualities; nor was the propriety of Burnet's comparison between him and Tiberius ever felt, I imagine, by any one but its author. He was gay and affable, and, if incapable of the sentiments belonging to pride of a laudable sort, he was at least free from haughtiness and insolence. The praise of politeness, which the stoics are not perhaps wrong in classing among the moral virtues, provided they admit it to be one of the lowest order, has never been denied him, and he had in an eminent degree that facility of temper which, though considered by some moralists as nearly allied to vice, yet, inasmuch as it contributes greatly to the happiness of those around us, is in itself not only an engaging, but an estimable quality. His support of the queen during the heats raised by the popish plot, ought to be taken rather as a proof that he was not a monster, than to be ascribed to him as a merit; but his steadiness to his brother, though it may and ought, in a great measure, to be accounted for upon selfish principles, had at least a strong resemblance to virtue.

The best part of this prince's character seems to have been his kindness towards his mistresses, and his affection for his children, and others nearly connected to him by the ties of blood. His recommendation of the duchess of Portsmouth and Mrs. Gwyn, upon his death-bed, to his successor, is much to his honour; and they who censure it, seem, in their

zeal to show themselves strict moralists, to have suffered their notions of vice and virtue to have fallen into strange confusion. Charles's connexion with those ladies might be vicious, but at a moment when that connexion was upon the point of being finally and irrevocably dissolved, to concern himself about their future welfare, and to recommend them to his brother with earnest tenderness, was virtue. It is not for the interest of morality that the good and evil actions, even of bad men, should be confounded. His affection for the duke of Gloucester, and for the duchess of Orleans, seems to have been sincere and cordial. To attribute, as some have done, his grief for the loss of the first to political considerations, founded upon an intended balance of power between his two brothers, would be an absurd refinement, whatever were his general disposition; but when we reflect upon that carelessness which, especially in his youth, was a conspicuous feature of his character, the absurdity becomes still more striking. And though Burnet more covertly, and Ludlow more openly, insinuate that his fondness for his sister was of a criminal nature, I never could find that there was any ground whatever for such a suspicion; nor does the little that remains of their epistolary correspondence give it the smallest countenance. Upon the whole, Charles II. was a bad man, and a bad king: let us not palliate his crimes, but neither let us adopt false or doubtful imputations, for the purpose of making him a monster.

Whoever reviews the interesting period which we have been discussing, upon the principle recommended in the outset of this chapter, will find that, from the consideration of the past, to prognosticate the future, would at the moment of Charles's demise, be no easy task. Between two persons, one of whom should expect that the country would remain sunk in slavery, the other, that the cause of freedom would revive and triumph, it would be difficult to decide, whose reasons were better supported, whose speculations the more probable. I should guess that he who desponded, had looked more at the state of the public, while he who was sanguine, had fixed his eyes more attentively upon the person who was about to mount the throne. Upon reviewing the two great parties of the nation, one observation occurs very forcibly, and that is, that the great strength of the whigs consisted in

their being able to brand their adversaries as favourers of popery; that of the tories, (as far as their strength depended upon opinion, and not merely upon the power of the crown,) in their finding colour to represent the whigs as republicans. From this observation we may draw a further inference, that, in proportion to the rashness of the crown, in avowing and pressing forward the cause of popery, and to the moderation and steadiness of the whigs, in adhering to the form of monarchy, would be the chance of the people of England, for changing an ignominious despotism, for glory, liberty, and happiness.



## CHAPTER II.

Accession of James II.—His declaration in council; acceptable to the nation—Arbitrary designs of his reign—Former ministers continued—Money transactions with France—Revenue levied without authority of parliament—Persecution of dissenters—Character of Jeffreys—The king's affectation of independence—Advances to the prince of Orange—The primary object of this reign—Transactions in Scotland—Severe persecutions there—Scottish parliament—Cruelties of government—English parliament: its proceedings—Revenue—Votes concerning religion—Bill for preservation of the king's person—Solicitude for the church of England—Reversal of Stafford's attainder rejected—Parliament adjourned—Character of the tories—Situation of the whigs.

CHARLES II. expired on the sixth of February 1684-5, and on the same day his successor was proclaimed king in London, with the usual formalities, by the title of James the Second. The great influence which this prince was supposed to have possessed in the government, during the latter years of his brother's reign, and the expectation which was entertained in consequence, that his measures, when monarch, would be of the same character and complexion with those which he was known to have highly approved, and of which he was thought by many to have been the principal author, when a subject, left little room for that spirit of speculation which generally attends a demise of the crown. And thus an event, which when apprehended a few years before had, according to a strong expression of sir William Temple, been looked upon as the end of the world, was now deemed to be of small comparative importance.

Its tendency, indeed, was rather to insure perseverance than to effect any change in the system which had been of

late years pursued. As there are, however, some steps indispensably necessary on the accession of a new prince to the throne, to these the public attention was directed, and though the character of James had been long so generally understood, as to leave little doubt respecting the political maxims and principles by which his reign would be governed, there was probably much curiosity, as upon such occasions there always is, with regard to the conduct he would pursue in matters of less importance, and to the general language and behaviour which he would adopt in his new situation. His first step was, of course, to assemble the privy council, to whom he spoke as follows:—

“Before I enter upon any other business, I think fit to say something to you. Since it hath pleased Almighty God to place me in this station, and I am now to succeed so good and gracious a king, as well as so very kind a brother, I think it fit to declare to you, that I will endeavour to follow his example, and most especially in that of his great clemency and tenderness to his people. I have been reported to be a man for arbitrary power; but that is not the only story that has been made of me: and I shall make it my endeavour to preserve this government, both in church and state, as it is now by law established. I know the principles of the church of England are for monarchy, and the members of it have shown themselves good and loyal subjects; therefore I shall always take care to defend and support it. I know, too, that the laws of England are sufficient to make the king as great a monarch as I can wish; and as I shall never depart from the just rights and prerogatives of the crown, so I shall never invade any man’s property. I have often heretofore ventured my life in defence of this nation; and I shall go as far as any man in preserving it in all its just rights and liberties.”<sup>1</sup>

With this declaration the council were so highly satisfied, that they supplicated his majesty to make it public, which was accordingly done; and it is reported to have been received with unbounded applause by the greater part of the nation. Some, perhaps, there were, who did not think the

<sup>1</sup> Kennett, iii. 420.

boast of having ventured his life very manly, and who, considering the transactions of the last years of Charles's reign, were not much encouraged by the promise of imitating that monarch in clemency and tenderness to his subjects. To these it might appear, that whatever there was of consolatory in the king's disclaimer of arbitrary power and professed attachment to the laws, was totally done away, as well by the consideration of what his majesty's notions of power and law were, as by his declaration, that he would follow the example of a predecessor, whose government had not only been marked with the violation, in particular cases, of all the most sacred laws of the realm, but had latterly, by the disuse of parliaments, in defiance of the statute of the sixteenth year of his reign, stood upon a foundation radically and fundamentally illegal. To others, it might occur, that even the promise to the church of England, though express with respect to the condition of it, which was no other than perfect acquiescence in what the king deemed to be the true principles of monarchy, was rather vague with regard to the nature (or degree) of support to which the royal speaker might conceive himself engaged. The words, although in any interpretation of them they conveyed more than he possibly ever intended to perform, did by no means express the sense which at that time, by his friends, and afterwards by his enemies, was endeavoured to be fixed on them. There was indeed a promise to support the establishment of the church, and consequently the laws upon which that establishment immediately rested; but by no means an engagement to maintain all the collateral provisions which some of its more zealous members might judge necessary for its security.

But whatever doubts or difficulties might be felt, few or none were expressed. The whigs, as a vanquished party, were either silent or not listened to, and the tories were in a temper of mind which does not easily admit suspicion. They were not more delighted with the victory they had obtained over their adversaries, than with the additional stability which, as they vainly imagined, the accession of the new monarch was likely to give to their system. The truth is that, his religion excepted, (and that objection they were sanguine enough to consider as done away by a few gracious words in favour of the church,) James was every way better



suited to their purpose than his brother. They had entertained continual apprehensions, not perhaps wholly unfounded, of the late king's returning kindness to Monmouth, the consequences of which could not easily be calculated; whereas, every occurrence that had happened, as well as every circumstance in James's situation, seemed to make him utterly irreconcilable with the whigs. Besides, after the reproach, as well as alarm, which the notoriety of Charles's treacherous character must so often have caused them, the very circumstance of having at their head a prince, of whom they could with any colour hold out to their adherents that his word was to be depended upon, was in itself a matter of triumph and exultation. Accordingly the watchword of the party was everywhere, *We have the word of a king, and a word never yet broken*; and to such a length was the spirit of adulation, or perhaps the delusion, carried, that this royal declaration was said to be a better security for the liberty and religion of the nation, than any which the law could devise.<sup>1</sup>

The king, though much pleased, no doubt, with the popularity which seemed to attend the commencement of his reign, as a powerful medium for establishing the system of absolute power, did not suffer himself, by any show of affection from his people, to be diverted from his design of rendering his government independent of them. To this design we must look as the mainspring of all his actions at this period; for with regard to the Roman-catholic religion, it is by no means certain that he yet thought of obtaining for it anything more than a complete toleration. With this view, therefore, he could not take a more judicious resolution than that which he had declared in his speech to the privy council, and to which he seems, at this time, to have steadfastly adhered, of making the government of his predecessor the model for his own. He therefore continued in their offices, notwithstanding the personal objections he might have to some of them, those servants of the late king, during whose administration that prince had been so successful in subduing his subjects, and eradicating almost from the minds of Englishmen every sentiment of liberty.

Even the marquis of Halifax, who was supposed to have

<sup>1</sup> Burnet.

remonstrated against many of the late measures, and to have been busy in recommending a change of system to Charles, was continued in high employment by James,—who told him that, of all his past conduct, he should remember only his behaviour upon the exclusion bill, to which that nobleman had made a zealous and distinguished opposition; a handsome expression, which has been the more noticed, as well because it is almost the single instance of this prince's showing any disposition to forget injuries, as on account of a delicacy and propriety in the wording of it, by no means familiar to him.

Lawrence Hyde,—earl of Rochester,—whom he appointed lord treasurer, was in all respects calculated to be a fit instrument for the purposes then in view. Besides being upon the worst terms with Halifax,—in whom alone,—of all his ministers, James was likely to find any bias in favour of popular principles, he was, both from prejudice of education, and from interest, inasmuch as he had aspired to be the head of the tories,—a great favourer of those servile principles of the church of England, which had been lately “so highly extolled from the throne. His near relation to the duchess of York might also be some recommendation, but his privy to the late pecuniary transactions between the courts of Versailles and London, and the cordiality with which he concurred in them, were by far more powerful titles to his new master's confidence. For it must be observed of this minister, as well as of many others of his party, that his *high* notions, as they are frequently styled, of power, regarded only the relation between the king and his subjects, and not that in which he might stand with respect to foreign princes; so that, provided he could, by a dependence,—however servile,—upon Louis XIV., be placed above the control of his parliament and people at home, he considered the honour of the crown unsullied.

Robert Spencer,—earl of Sunderland,—who was continued as secretary of state, had been at one period a supporter of the exclusion bill, and had been suspected of having offered the duchess of Portsmouth to obtain the succession to the crown for her son, the duke of Richmond. Nay more, king James, in his Memoirs, charges him with having intended, just at the time of Charles's death, to send him into a second banish-

ment;<sup>1</sup> but with regard to this last point, it appears evident to me, that many things in those *Memoirs*, relative to this earl, were written after James's abdication, and in the greatest bitterness of spirit, when he was probably in a frame of mind to believe anything against a person by whom he conceived himself to have been basely deserted. The reappointment, therefore, of this nobleman to so important an office, is to be accounted for partly upon the general principle above-mentioned, of making the new reign a mere continuation of the former, and partly upon Sunderland's extraordinary talents for ingratiating himself with persons in power, and persuading them that he was the fittest instrument for their purposes; a talent in which he seems to have surpassed all the intriguing statesmen of his time, or perhaps of any other.

An intimate connexion with the court of Versailles being the principal engine by which the favourite project of absolute monarchy was to be effected, James, for the purpose of fixing and cementing that connexion, sent for M. de Barillon, the French ambassador, the very day after his accession, and entered into the most confidential discourse with him. He explained to him his motives for intending to call a parliament, as well as his resolution to levy by authority the revenue which his predecessor had enjoyed in virtue of a grant of parliament which determined with his life. He made general professions of attachment to Louis, declared that in all affairs of importance it was his intention to consult that monarch, and apologised, upon the ground of the urgency of the case, for acting in the instance mentioned without his advice. Money was not directly mentioned, owing, perhaps, to some sense of shame upon that subject, which his brother had never experienced; but lest there should be a doubt whether that object were implied in the desire of support and protection, Rochester was directed to explain the matter more fully, and to give a more distinct interpretation of these general terms. Accordingly, that minister waited the next morning upon Barillon, and after having repeated and enlarged upon the reasons for calling a parliament, stated, as an additional argument in defence of the measure, that without it his master

<sup>1</sup> Macpherson's State Papers, i. 147.



would become too chargeable to the French king; adding, however, that the assistance which might be expected from a parliament, did not exempt him altogether from the necessity of resorting to that prince for pecuniary aids; for that without such, he would be at the mercy of his subjects, and that upon this beginning would depend the whole fortune of the reign. If Rochester actually expressed himself as Barillon relates, the use intended to be made of parliament, cannot but cause the most lively indignation, while it furnishes a complete answer to the historians who accuse the parliaments of those days of unseasonable parsimony in their grants to the Stuart kings; for the grants of the people of England were not destined, it seems, to enable their kings to oppose the power of France, or even to be independent of her, but to render the influence which Louis was resolved to preserve in this country, less chargeable to him, by furnishing their quota to the support of his royal dependant.

The French ambassador sent immediately a detailed account of these conversations to his court, where, probably, they were not received with the less satisfaction on account of the request contained in them having been anticipated. Within a very few days from that in which the latter of them had passed, he was empowered to accompany the delivery of a letter from his master, with the agreeable news of having received from him bills of exchange to the amount of five hundred thousand livres, to be used in whatever manner might be convenient to the king of England's service. The account which Barillon gives, of the manner in which this sum was received, is altogether ridiculous: the king's eyes were full of tears, and three of his ministers, Rochester, Sunderland, and Godolphin, came severally to the French ambassador, to express the sense their master had of the obligation, in terms the most lavish. Indeed, demonstrations of gratitude from the king directly, as well as through his ministers, for this supply, were such, as if they had been used by some unfortunate individual, who, with his whole family, had been saved, by the timely succour of some kind and powerful protector, from a gaol and all its horrors, would be deemed rather too strong than too weak. Barillon himself seems surprised when he relates them; but imputes them to what was probably their real cause, to the apprehensions that had been entertained,

(very unreasonable ones !) that the king of France might no longer choose to interfere in the affairs of England, and consequently that his support could not be relied on for the grand object of assimilating this government to his own.

If such apprehensions did exist, it is probable that they were chiefly owing to the very careless manner, to say the least, in which Louis had of late fulfilled his pecuniary engagements to Charles, so as to amount, in the opinion of the English ministers, to an actual breach of promise. But the circumstances were in some respects altered. The French king had been convinced that Charles would never call a parliament; nay, further perhaps, that if he did, he would not be trusted by one; and considering him therefore entirely in his power, acted from that principle in insolent minds which makes them fond of ill-treating and insulting those whom they have degraded to a dependence on them. But James would probably be obliged at the commencement of a new reign to call a parliament, and if well used by such a body, and abandoned by France, might give up his project of arbitrary power, and consent to govern according to the law and constitution. In such an event, Louis easily foresaw, that, instead of an useful dependant, he might find upon the throne of England a formidable enemy. Indeed, this prince and his ministers seem all along, with a sagacity that does them credit, to have foreseen, and to have justly estimated, the dangers to which they would be liable, if a cordial union should ever take place between a king of England and his parliament, and the British councils be directed by men enlightened and warmed by the genuine principles of liberty. It was therefore an object of great moment to bind the new king, as early as possible, to the system of dependency upon France; and matter of no less triumph to the court of Versailles to have retained him by so moderate a fee, than to that of London to receive a sum which, though small, was thought valuable, as an earnest of better wages and future protection.

It had for some time been Louis's favourite object to annex to his dominion what remained of the Spanish Netherlands, as well on account of their own intrinsic value, as to enable him to destroy the United Provinces and the prince of Orange; and this object Charles had bound himself, by treaty with Spain, to oppose. In the joy, therefore, occasioned by this

noble manner of proceeding, (for such it was called by all the parties concerned,) the first step was to agree, without hesitation, that Charles's treaty with Spain determined with his life; a decision which, if the disregard that had been shown to it, did not render the question concerning it nugatory, it would be difficult to support upon any principles of national law or justice. The manner in which the late king had conducted himself upon the subject of this treaty, that is to say, the violation of it, without formally renouncing it, was gravely commended, and stated to be no more than what might justly be expected from him; but the present king was declared to be still more free, and in no way bound by a treaty, from the execution of which his brother had judged himself to be sufficiently dispensed. This appears to be a nice distinction, and what that degree of obligation was, from which James was exempt, but which had lain upon Charles, who neither thought himself bound, nor was expected by others, to execute the treaty, it is difficult to conceive.

This preliminary being adjusted, the meaning of which, through all this contemptible shuffling, was, that James, by giving up all concern for the Spanish Netherlands, should be at liberty to acquiesce in, or to second, whatever might be the ambitious projects of the court of Versailles, it was determined that lord Churchill should be sent to Paris to obtain further pecuniary aids. But such was the impression made by the frankness and generosity of Louis, that there was no question of discussing or capitulating, but every thing was remitted to that prince, and to the information his ministers might give him, respecting the exigency of affairs in England. He who had so handsomely been beforehand, in granting the assistance of five hundred thousand livres, was only to be thanked for past, not importuned for future, munificence. Thus ended, for the present, this disgusting scene of iniquity and nonsense, in which all the actors seemed to vie with each other in prostituting the sacred names of friendship, generosity, and gratitude, in one of the meanest and most criminal transactions which history records.

The principal parties in the business, besides the king himself, to whose capacity, at least, if not to his situation, it was more suitable, and lord Churchill, who acted as an inferior agent, were Sunderland, Rochester, and Godolphin, all men  
*(- lately made a peer by James: then aged 35 only.)* Z



of high rank and considerable abilities, but whose understandings, as well as their principles, seem to have been corrupted by the pernicious schemes in which they were engaged. With respect to the last-mentioned nobleman in particular, it is impossible, without pain, to see him engaged in such transactions. With what self-humiliation must he not have reflected upon them in subsequent periods of his life! How little could Barillon guess that he was negotiating with one who was destined to be at the head of an administration, which, in a few years, would send the same lord Churchill, not to Paris, to implore Louis for succours towards enslaving England, or to thank him for pensions to her monarch, but to combine all Europe against him in the cause of liberty, to rout his armies, to take his towns, to humble his pride, and to shake to the foundation that fabric of power which it had been the business of a long life to raise, at the expense of every sentiment of tenderness to his subjects, and of justice and good faith to foreign nations! It is with difficulty the reader can persuade himself that the Godolphin and Churchill here mentioned are the same persons who were afterwards one in the cabinet, one in the field, the great conductors of the war of the succession. How little do they appear in one instance! how great in the other! And the investigation of the cause to which this excessive difference is principally owing, will produce a most useful lesson. Is the difference to be attributed to any superiority of genius in the prince whom they served in the latter period of their lives? Queen Anne's capacity appears to have been inferior even to her father's. Did they enjoy in a greater degree her favour and confidence? The very reverse is the fact. But in one case they were the tools of a king plotting against his people; in the other, the ministers of a free government acting upon enlarged principles, and with energies which no state that is not in some degree republican can supply. How forcibly must the contemplation of these men, in such opposite situations, teach persons engaged in political life, that a free and popular government is desirable, not only for the public good, but for their own greatness and consideration, for every object of generous ambition!

The king having, as has been related, first privately communicated his intentions to the French ambassador, issued

proclamations for the meeting of parliament, and for levying, upon his sole authority, the customs and other duties which had constituted part of the late king's revenue, but to which, the acts granting them having expired with the prince, James was not legally entitled. He was advised by lord Guildford, whom he had continued in the office of keeper of the great seal, and who upon such a subject, therefore, was a person likely to have the greatest weight,--to satisfy himself with directing the money to be kept in the exchequer for the disposal of parliament, which was shortly to meet; and by others, to take bonds from the merchants for the duties, to be paid when parliament should legalize them.<sup>1</sup> But these expedients were not suited to the king's views, who, as well on account of his engagement with France, as from his own disposition, was determined to take no step that might indicate an intention of governing by parliaments, or a consciousness of his being dependent upon them for his revenue. He adopted, therefore, the advice of Jeffreys,--advice not resulting so much, probably, either from ignorance or violence of disposition, as from his knowledge that it would be most agreeable to his master,--and directed the duties to be paid as in the former reign. It was pretended, that an interruption in levying some of the duties might be hurtful to trade; but as every difficulty of that kind was obviated by the expedients proposed, this arbitrary and violent measure can with no colour be ascribed to a regard to public convenience, nor to any other motive than to a desire of reviving Charles I.'s claims to the power of taxation, and of furnishing a most intelligible comment upon his speech to the council on the day of his accession. It became evident what the king's notions were, with respect to that regal prerogative from which he professed himself determined never to depart,--and to that property which he would never invade. What were the remaining rights and liberties of the nation, which he was to preserve, might be more difficult to discover; but that the laws of England, in the royal interpretation of them, were sufficient to make the king as great a monarch as he, or, indeed, any prince could desire, was a point that could not be disputed. This violation of law was in itself most flagrant;

<sup>1</sup> Life of Lord Keeper North.

it was applied to a point well understood, and thought to have been so completely settled by repeated and most explicit declarations of the legislature, that it must have been doubtful whether even the most corrupt judges, if the question had been tried, would have had the audacity to decide it against the subject. But no resistance was made; nor did the example of Hampden, which a half century before had been so successful, and rendered that patriot's name so illustrious, tempt any one to emulate his fame; so completely had the crafty and sanguinary measures of the late reign attained the object to which they were directed, and rendered all men either afraid or unwilling to exert themselves in the cause of liberty.

On the other hand, addresses the most servile were daily sent to the throne. That of the University of Oxford stated, that the religion which they professed bound them to unconditional obedience to their sovereign, without restrictions or limitations; and the Society of Barristers and Students of the Middle Temple thanked his majesty for the attention he had shown to the trade of the kingdom, concerning which, and its balance, (and upon this last article they laid particular stress,) they seemed to think themselves peculiarly called upon to deliver their opinion. But whatever might be their knowledge in matters of trade, it was at least equal to that which these addressers showed in the laws and constitution of their country, since they boldly affirmed the king's right to levy the duties, and declared that it had never been disputed but by persons engaged in what they were pleased to call rebellion against his royal father. The address concluded with a sort of prayer, that all his majesty's subjects might be as good lawyers as themselves, and disposed to acknowledge the royal prerogative in all its extent.

If these addresses are remarkable for their servility, that of the gentlemen and freeholders of the county of Suffolk was no less so for the spirit of party violence that was displayed in it. They would take care, they said, to choose representatives who should no more endure those who had been for the Exclusion Bill, than the last parliament had the abhorers of the association; and thus not only endeavoured to keep up his majesty's resentment against a part of their fellow-subjects, but engaged themselves to imitate, for the



purpose of retaliation, that part of the conduct of their adversaries, which they considered as most illegal and oppressive.<sup>1</sup>

It is a remarkable circumstance, that among all the adulatory addresses of this time, there is not to be found, in any one of them, any declaration of disbelief in the popish plot, or any charge upon the late parliament for having prosecuted it, though it could not but be well known that such topics would, of all others, be most agreeable to the court. Hence we may collect that the delusion on this subject was by no means at an end, and that they who, out of a desire to render history conformable to the principles of poetical justice, attribute the unpopularity and downfall of the whigs to the indignation excited by their furious and sanguinary prosecution of the plot, are egregiously mistaken. If this had been in any degree the prevailing sentiment, it is utterly unaccountable that, so far from its appearing in any of the addresses of these times, this most just ground of reproach upon the whig party, and the parliament in which they had had the superiority, was the only one omitted in them. The fact appears to have been the very reverse of what such historians suppose, and that the activity of the late parliamentary leaders, in prosecuting the popish plot, was the principal circumstance which reconciled the nation, for a time, to their other proceedings; that their conduct in that business (now so justly condemned) was the grand engine of their power, and that when that failed, they were soon overpowered by the united forces of bigotry and corruption. They were hated by a great part of the nation, not for their crimes, but for their virtues. To be above corruption is always odious to the corrupt, and to entertain more enlarged and juster notions of philosophy and government, is often a cause of alarm to the narrow-minded and superstitious. In those days particularly, it was obvious to refer to the confusion, greatly exaggerated, of the times of the commonwealth; and it was an excellent watchword of alarm, to accuse every lover of law and liberty, of designs to revive the tragical scene which had closed the life of the first Charles. In this spirit, therefore, the Exclusion Bill, and the alleged conspiracies of Sidney and Russell, were, as might naturally be expected, the chief charges urged against the whigs; but

*As High Churchmen used to be alarmed for their devotion to the Power-Book?*

<sup>1</sup> Rapin.

their conduct on the subject of the popish plot was so far from being the cause of the hatred borne to them, that it was not even used as a topic of accusation against them.

In order to keep up that spirit in the nation, which was thought to be manifested in the addresses, his majesty ordered the declaration, to which allusion was made in the last chapter, to be published, interwoven with a history of the Rye House plot, which is said to have been drawn by Dr. Spratt, bishop of Rochester. The principal drift of this publication was, to load the memory of Sidney and Russell, and to blacken the character of the duke of Monmouth, by wickedly confounding the consultations holden by them, with the plot for assassinating the late king, and in this object it seems in a great measure to have succeeded. He also caused to be published an attestation of his brother's having died a Roman catholic, together with two papers, drawn up by him, in favour of that persuasion. This is generally considered to have been a very ill-advised instance of zeal; but probably James thought, that at a time when people seemed to be so in love with his power, he might safely venture to indulge himself in a display of his attachment to his religion; and perhaps, too, it might be thought good policy to show that a prince, who had been so highly complimented as Charles had been, for the restoration and protection of the church, had, in truth, been a catholic, and thus to inculcate an opinion, that the church of England might not only be safe, but highly favoured, under the reign of a popish prince.

Partly from similar motives, and partly to gratify the natural vindictiveness of his temper, he persevered in a most cruel persecution of the Protestant dissenters, upon the most frivolous pretences. The courts of justice, as in Charles's days, were instruments equally ready, either for seconding the policy or for gratifying the bad passions of the monarch; and Jeffreys, whom the late king had appointed chief justice of England a little before Sidney's trial, was a man entirely agreeable to the temper, and suitable to the purposes, of the present government. He was thought not to be very learned in his profession; but what might be wanting in knowledge he made up in positiveness; and, indeed, whatever might be the difficulties in questions between one subject and another, the fashionable doctrine, which prevailed at that time, of sup-

porting the king's prerogative in its full extent, and without restriction or limitation, rendered, to such as espoused it, all that branch of law which is called constitutional extremely easy and simple. He was as submissive and mean to those above him as he was haughty and insolent to those who were in any degree in his power; and if in his own conduct he did not exhibit a very nice regard for morality, or even for decency, he never failed to animadvert upon, and to punish, the most slight deviation in others with the utmost severity, especially if they were persons whom he suspected to be no favourites of the court.

Before this magistrate was brought for trial, by a jury sufficiently prepossessed in favour of tory politics, the Rev. Richard Baxter, a dissenting minister, a pious and learned man, of exemplary character, always remarkable for his attachment to monarchy, and for leaning to moderate measures in the differences between the church and those of his persuasion. The pretence for this prosecution was, a supposed reference of some passages in one of his works to the bishops of the church of England; a reference which was certainly not intended by him, and which could not have been made out to any jury that had been less prejudiced, or under any other direction than that of Jeffreys. The real motive was, the desire of punishing an eminent dissenting teacher, whose reputation was high among his sect, and who was supposed to favour the political opinions of the whigs. He was found guilty, and Jeffreys, in passing sentence upon him, loaded him with the coarsest reproaches and bitterest taunts. He called him sometimes, by way of derision, a saint, sometimes, in plainer terms, an old rogue; and classed this respectable divine, to whom the only crime imputed was the having spoken disrespectfully of the bishops of a communion to which he did not belong, with the infamous Oates, who had been lately convicted of perjury. He finished with declaring, that it was matter of public notoriety that there was a formed design to ruin the king and the nation, in which this old man was the principal incendiary. Nor is it improbable that this declaration, absurd as it was, might gain belief at a time when the credulity of the triumphant party was at its height.

Of this credulity it seems to be no inconsiderable testimony, that some affected nicety which James had shown with regard



to the ceremonies to be used towards the French ambassador, was highly magnified, and represented to be an indication of the different tone that was to be taken by the present king, in regard to foreign powers, and particularly to the court of Versailles. The king was represented as a prince eminently jealous of the national honour, and determined to preserve the balance of power in Europe, by opposing the ambitious projects of France at the very time when he was supplicating Louis to be his pensioner, and expressing the most extravagant gratitude for having been accepted as such. From the information which we now have, it appears that his applications to Louis for money were incessant, and that the difficulties were all on the side of the French court.<sup>1</sup> Of the historians who wrote prior to the inspection of the papers in the foreign office in France, Burnet is the only one who seems to have known that James's pretensions of independency with respect to the French king, were (as he terms them) only a show; but there can now be no reason to doubt the truth of the anecdote which he relates, that Louis soon after told the duke of Villeroy,<sup>1</sup> that if James showed any apparent uneasiness concerning the balance of power (and there is some reason to suppose he did) in his conversations with the Spanish and other foreign ambassadors, his intention was, probably, to alarm the court of Versailles, and thereby to extort pecuniary assistance to a greater extent; while, on the other hand, Louis, secure in the knowledge that his views of absolute power must continue him in dependence upon France, seems to have refused further supplies, and even in some measure to have withdrawn those which had been stipulated, as a mark of his displeasure with his dependant, for assuming a higher tone than he thought becoming.

Whether with a view of giving some countenance to those who were praising him upon the above-mentioned topic, or from what other motive it is now not easy to conjecture, James seems to have wished to be upon apparent good terms, at least, with the prince of Orange; and after some correspondence with that prince concerning the protection afforded by him and the states-general to Monmouth, and other obnoxious persons, it appears that he declared himself, in

<sup>1</sup> Vide Burnet, vol. ii. p. 302.

consequence of certain explanations and concessions, perfectly satisfied. It is to be remarked, however, that he thought it necessary to give the French ambassador an account of this transaction, and in a manner to apologize to him for entering into any sort of terms with a son-in-law, who was supposed to be hostile in disposition to the French king. He assured Barillon that a change of system on the part of the prince of Orange in regard to Louis, should be a condition of his reconciliation: he afterwards informed him that the prince of Orange had answered him satisfactorily in all other respects, but had not taken notice of his wish that he should connect himself with France; but never told him that he had, notwithstanding the prince's silence on that material point, expressed himself completely satisfied with him. That a proposition to the prince of Orange, to connect himself in politics with Louis would, if made, have been rejected, in the manner in which the king's account to Barillon implies that it was, there can be no doubt; but whether James ever had the assurance to make it, is more questionable; for as he evidently acted disingenuously with the ambassador, in concealing from him the complete satisfaction he had expressed of the prince of Orange's present conduct,<sup>1</sup> it is not unreasonable to suppose that he deceived him still further, and pretended to have made an application, which he had never hazarded. However, the ascertaining of this fact is by no means necessary for the illustration, either of the general history or of James's particular character, since it appears, that the proposition, if made, was rejected; and James is, in any case, equally convicted of insincerity, the only point in question being, whether he deceived the French ambassador, in regard to the fact of his having made the proposition, or to the sentiments he expressed upon its being refused. Nothing serves more to show the dependence in which he considered himself to be upon Louis than these contemptible shifts to which he condescended, for the purposes of explaining and apologizing for such parts of his conduct as might be supposed to be less agreeable to that monarch than the rest. An English parliament acting upon constitutional principles, and the prince of Orange, were the two enemies whom Louis most dreaded;

<sup>1</sup> Dalrymple's Mem. ii. 116.

and, accordingly, whenever James found it necessary to make approaches to either of them, an apology was immediately to be offered to the French ambassador, to which truth sometimes (and honour was always) sacrificed.

Mr. Hume says, the king found himself, by degrees, under the necessity of falling into an union with the French monarch, who could alone assist him in promoting the catholic religion in England. But when that historian wrote, those documents had not been made public, from which the account of the communications with Barillon has been taken, and by which it appears that a connexion with France was, as well in point of time as in importance, the first object of his reign, and that the immediate specific motive to that connexion was the same as that of his brother; the desire of rendering himself independent of parliament, and absolute, not that of establishing popery in England, which was considered as a more remote contingency. That this was the case is evident from all the circumstances of the transaction, and especially from the zeal with which he was served in it by ministers who were never suspected of any leaning towards popery, and not one of whom (Sunderland excepted) could be brought to the measures that were afterwards taken in favour of that religion. It is the more material to attend to this distinction, because the tory historians, especially such of them as are not Jacobites, have taken much pains to induce us to attribute the violences and illegalities of this reign to James's religion, which was peculiar to him, rather than to that desire of absolute power, which so many other princes have had, have, and always will have, in common with him. The policy of such misrepresentation is obvious. If this reign is to be considered as a period insulated, as it were, and unconnected with the general course of history, and if the events of it are to be attributed exclusively to the particular character and particular attachments of the monarch, the sole inference will be, that we must not have a catholic for our king; whereas, if we consider it, which history well warrants us to do, as a part of that system which had been pursued by all the Stuart kings, as well prior as subsequent to the restoration, the lesson which it affords is very different, as well as far more instructive. We are taught, generally, the dangers Englishmen will always be liable to, if, from favour to a prince upon the throne, or from a



confidence, however grounded, that his views are agreeable to our own notions of the constitution, we in any considerable degree abate of that vigilant and unremitting jealousy of the power of the crown, which can alone secure to us the effect of those wise laws that have been provided for the benefit of the subject; and still more particularly, that it is in vain to think of making a compromise with power, and by yielding to it in other points, preserving some favourite object, such, for instance, as the church in James's case, from its grasp.

Previous to meeting his English parliament, James directed a parliament which had been summoned in the preceding reign, to assemble at Edinburgh, and appointed the duke of Queensbury his commissioner. This appointment is, in itself, a strong indication that the king's views, with regard to Scotland at least, were similar to those which I have ascribed to him in England; and that they did not at that time extend to the introduction of popery, but were altogether directed to the establishment of absolute power as the *end*, and to the support of an episcopal church, upon the model of the church of England, as the *means*. For Queensbury had explained himself to his majesty in the fullest manner upon the subject of religion; and while he professed himself to be ready (as, indeed, his conduct in the late reign had sufficiently proved) to go any length in supporting royal power and in persecuting the presbyterians, had made it a condition of his services, that he might understand from his majesty that there was no intention of changing the established religion; for if such was the object, he could not make any one step with him in that matter. James received this declaration most kindly, assured him he had no such intention, and that he would have a parliament, to which he, Queensbury, should go as commissioner, and giving all possible assurances in the matter of religion, get the revenue to be settled, and such other laws to be passed as might be necessary for the public safety. With these promises the duke was not only satisfied at the time, but declared, at a subsequent period, that they had been made in so frank and hearty a manner, as made him conclude that it was impossible the king should be acting a part. And this nobleman was considered, and is handed down to us by contemporary writers, as a man of a penetrating genius, nor has it ever been the national character of the country to which he be-

longed, to be more liable to be imposed upon than the rest of mankind.

The Scottish parliament met on the 23rd of April, and was opened by the commissioner, with the following letter from the king:—

“My lords and gentlemen, — The many experiences we have had of the loyalty and exemplary forwardness of that our ancient kingdom, by their representatives in parliament assembled, in the reign of our deceased and most entirely beloved brother of ever blessed memory, made us desirous to call you at this time, in the beginning of our reign, to give you an opportunity, not only of showing your duty to us in the same manner, but likewise of being exemplary to others in your demonstrations of affection to our person and compliance with our desires, as you have most eminently been in times past, to a degree never to be forgotten by us, nor (we hope) to be contradicted by your future practices. That which we are at this time to propose unto you is what is as necessary for your safety as our service, and what has a tendency more to secure your own privileges and properties than the aggrandizing our power and authority (though in it consists the greatest security of your rights and interests, these never having been in danger, except when the royal power was brought too low to protect them), which now we are resolved to maintain, in its greatest lustre, to the end we may be the more enabled to defend and protect your religion as established by law, and your rights and properties (which was our design in calling this parliament) against fanatical contrivances, murderers, and assassins, who having no fear of God, more than honour for us, have brought you into such difficulties as only the blessing of God upon the steady resolutions and actings of our said dearest royal brother, and those employed by him, (in prosecution of the good and wholesome laws, by you heretofore offered,) could have saved you from the most horrid confusions and inevitable ruin. Nothing has been left unattempted by those wild and inhuman traitors for endeavouring to overturn your peace; and therefore we have good reason to hope that nothing will be wanting in you to secure yourselves and us from their outrages and violence in time coming, and to take care that such conspirators meet with their just deservings, so as others may thereby be deter-

red from courses so little agreeable to religion, or their duty and allegiance to us. These things we considered to be of, so great importance to our royal, as well as the universal, interest of that our kingdom, that we were fully resolved, in person, to have proposed the needful remedies to you. But things having so fallen out as render this impossible for us, we have now thought fit to send our right trusty and right entirely beloved cousin and councillor, William duke of Queensbury, to be our commissioner amongst you, of whose abilities and qualifications we have reason to be fully satisfied, and of whose faithfulness to us, and zeal for our interest, we have had signal proofs in the times of our greatest difficulties. Him we have fully intrusted in all things relating to our service, and your own prosperity and happiness, and therefore you are to give him entire trust and credit, as you now see we have done, from whose prudence and your most dutiful affection to us, we have full confidence of your entire compliance and assistance in all those matters, wherein he is instructed as aforesaid. We do therefore not only recommend unto you that such things be done as are necessary in this juncture for your own peace, and the support of our royal interest, of which we had so much experience when amongst you, that we cannot doubt of your full and ample expressing the same on this occasion, by which the great concern we have in you, our ancient and kindly people, may still increase, and you may transmit your loyal actions (as examples of duty) to your posterity. In full confidence whereof we do assure you of your royal favour and protection in all your concerns, and so we bid you heartily farewell."

This letter deserves the more attention, because, as the proceedings of the Scotch parliament, according to a remarkable expression in the letter itself, were intended to be an example to others, there is the greatest reason to suppose the matter of it must have been maturely weighed and considered. His majesty first compliments the Scotch parliament upon their peculiar loyalty and dutiful behaviour in past times, meaning, no doubt, to contrast their conduct with that of those English parliaments who had passed the exclusion bill, the disbanding act, the habeas corpus act, and other measures hostile to his favourite principles of government. He states the granting of an independent revenue, and the supporting



the prerogative in its greatest lustre, if not the aggrandizing of it, to be necessary for the preservation of their religion, established by law, (that is, the protestant episcopacy,) as well as for the security of their properties against fanatical assassins and murderers; thus emphatically announcing a complete union of interests between the crown and the church. He then bestows a complete and unqualified approbation of the persecuting measures of the last reign, in which he had borne so great a share; and to those measures, and to the steadiness with which they had been persevered in, he ascribes the escape of both church and state from the fanatics, and expresses his regret that he could not be present, to propose in person the other remedies of a similar nature, which he recommended as needful in the present conjuncture.

Now it is proper in this place, to inquire into the nature of the measures thus extolled, as well for the purpose of elucidating the characters of the king and his Scottish ministers, as for that of rendering more intelligible the subsequent proceedings of the parliament, and the other events which soon after took place in that kingdom. Some general notions may be formed of that course of proceedings which, according to his majesty's opinion, had been so laudably and resolutely pursued during the late reign, from the circumstances alluded to in the preceding chapter, when it is understood that the sentences of Argyle and Laurie of Blackwood were not detached instances of oppression, but rather a sample of the general system of administration. The covenant, which had been so solemnly taken by the whole kingdom, and among the rest by the king himself, had been declared to be unlawful, and a refusal to abjure it had been made subject to the severest penalties. Episcopacy, which was detested by a great majority of the nation, had been established, and all public exercise of religion, in the forms to which the people were most attached, had been prohibited. The attendance upon field conventicles had been made highly penal, and the preaching at them capital; by which means, according to the computation of a late writer, no less remarkable for the accuracy of his facts than for the force and justness of his reasonings, at least seventeen thousand persons in one district were involved in criminality, and became the objects of persecution. After this, letters had been issued by govern-

ment, forbidding the intercommuning with persons who had neglected or refused to appear before the privy council, when cited for the above crimes; a proceeding, by which not only all succour or assistance to such persons, but, according to the strict sense of the word made use of, all intercourse with them, was rendered criminal, and subjected him who disobeyed the prohibition to the same penalties, whether capital or others, which were affixed to the alleged crimes of the party with whom he had intercommuned.<sup>1</sup>

These measures not proving effectual for the purpose for which they were intended, or, as some say, the object of Charles II.'s government being to provoke an insurrection, a demand was made upon the landholders, in the district supposed to be most disaffected, of bonds, whereby they were to become responsible for their wives, families, tenants, and servants; and likewise for the wives, families, and servants of their tenants, and finally, for all persons living upon their estates; that they should not withdraw from the church, frequent or preach at conventicles, nor give any succour, or have any intercourse with persons with whom it was forbidden to intercommune; and the penalties attached to the breach of this engagement, the keeping of which was obviously out of the power of him who was required to make it, were to be the same as those, whether capital or other, to which the several persons, for whom he engaged, might be liable. The landholders, not being willing to subscribe to their own destruction, refused to execute the bonds, and this was thought sufficient grounds for considering the district to which they belonged as in a state of rebellion. English and Irish armies were ordered to the frontiers; a train of artillery, and the militia, were sent into the district itself; and six thousand Highlanders, who were let loose upon its inhabitants, to exercise every species of pillage and plunder, were connived at, or rather encouraged, in excesses of a still more atrocious nature.<sup>2</sup>

The bonds being still refused, the government had recourse to an expedient of a most extraordinary nature, and issued what the Scotch called a writ of Lawburrows, against the

<sup>1</sup> Laing's Hist. vol. iv. 34. 60. 74. Woodrow.

<sup>2</sup> Burnet. Woodrow. Laing, iv. 83.



whole district. This writ of Lawburrows is somewhat analogous to what we call *swearing the peace* against any one, and had hitherto been supposed, as the other is with us, to be applicable to the disputes of private individuals, and to the apprehensions which, in consequence of such disputes, they may mutually entertain of each other. A government swearing the peace against its subjects was a new spectacle; *but if a private subject, under fear of another, hath a right to such a security, how much more the government itself?* was thought an unanswerable argument. Such are the sophistries which tyrants deem satisfactory. Thus are they willing even to descend from their loftiness into the situation of subjects or private men, when it is for the purpose of acquiring additional powers of persecution; and thus truly formidable and terrific are they, when they pretend alarm and fear. By these writs, the persons against whom they were directed were bound, as in case of the former bonds, to conditions which were not in their power to fulfil, such as the preventing of conventicles and the like, under such penalties as the privy council might inflict, and a disobedience to them was followed by outlawry and confiscation.

The conduct of the duke of Lauderdale, who was the chief actor in these scenes of violence and iniquity, was completely approved and justified at court; but, in consequence, probably, of the state of politics in England, at a time when the whigs were strongest in the house of commons, some of these grievances were in part redressed, and the Highlanders, and writs of Lawburrows, were recalled. But the country was still treated like a conquered country. The Highlanders were replaced by an army of five thousand regulars, and garrisons were placed in private houses. The persecution of conventicles continued; and ample indemnity was granted for every species of violence that might be exercised by those employed to suppress them. In this state of things, the assassination and murder of Sharp, archbishop of St. Andrews, by a troop of fanatics, who had been driven to madness by the oppression of Carmichael, one of that prelate's instruments, while it gave an additional spur to the vindictive temper of the government, was considered by it as a justification for every mode and degree of cruelty and persecution. The outrage committed by a few individuals was imputed to the whole fanatic sect, as the government termed them, or, in



other words, to a description of people which composed a great majority of the population in the Lowlands of Scotland; and those who attended field or armed conventicles, were ordered to be indiscriminately massacred.

By such means an insurrection was at last produced, which, from the weakness, or, as some suppose, from the wicked policy of an administration eager for confiscations, and desirous of such a state of the country as might, in some measure, justify their course of government, made such a progress that the insurgents became masters of Glasgow and the country adjacent. To quell these insurgents, who, undisciplined as they were, had defeated Graham,—afterwards viscount Dundee,—the duke of Monmouth was sent with an army from England; but, lest the generous mildness of his nature should prevail, he had sealed orders, which he was not to open till in sight of the rebels, enjoining him not to treat with them,—but to fall upon them without any previous negotiation. In pursuance of these orders, the insurgents were attacked at Bothwell bridge, where, though they were entirely routed and dispersed, yet because those who surrendered at discretion were not put to death,—and the army, by the strict enforcing of discipline, were prevented from plunder and other outrages, it was represented by James, and in some degree even by the king, that Monmouth had acted as if he had meant rather to put himself at the head of the fanatics than to repel them, and were inclined rather to court their friendship than to punish their rebellion. All complaints against Lauderdale were dismissed,—his power confirmed, and an act of indemnity, which had been procured at Monmouth's intercession,—was so clogged with exceptions, as to be of little use to any but to the agents of tyranny. Several persons, who were neither directly nor indirectly concerned in the murder of the archbishop,—were executed as an expiation for that offence;<sup>1</sup> but many more were obliged to compound for their lives, by submitting to the most rapacious extortion, which at this particular period seems to have been the engine of oppression most in fashion, and which was extended, not only to those who had been in any way concerned in the insurrection, but to those who had neglected to

<sup>1</sup> Laing, iv. 164. Woodrow, ii. 87. 90.

attend the standard of the king, when displayed against what was styled, in the usual insulting language of tyrants, a most unnatural rebellion.

The quiet produced by such means was, as might be expected, of no long duration. Enthusiasm was increased by persecution, and the fanatic preachers found no difficulty in persuading their flocks to throw off all allegiance to a government which afforded them no protection. The king was declared to be an apostate from the government, a tyrant, and an usurper; and Cargill, one of the most enthusiastic among the preachers, pronounced a formal sentence of excommunication against him, his brother the duke of York, and others, their ministers and abettors. This outrage upon majesty, together with an insurrection, contemptible in point of numbers and strength, in which Cameron, another field-preacher, had been killed, furnished a pretence which was by no means neglected, for new cruelties and executions; but neither death nor torture were sufficient to subdue the minds of Cargill and his intrepid followers. They all gloried in their sufferings; nor could the meanest of them be brought to purchase their lives by a retractation of their principles, or even by any expression that might be construed into an approbation of their persecutors. The effect of this heroic constancy upon the minds of their oppressors, was to persuade them not to lessen the numbers of executions, but to render them more private;<sup>1</sup> whereby they exposed the true character of their government, which was not severity, but violence; not justice, but vengeance: for example being the only legitimate end of punishment, where that is likely to encourage rather than to deter, (as the government in these instances seems to have apprehended,) and consequently to prove more pernicious than salutary, every punishment inflicted by the magistrate is cruelty, every execution murder. The rage of punishment did not stop even here, but questions were put to persons, and in many instances to persons under torture, who had not been proved to have been in any of the insurrections, *whether they considered the archbishop's assassination as murder, the rising at Bothwell bridge rebellion, and Charles a lawful king.* The refusal to answer these questions, or the answering of

<sup>1</sup> Woodrow, ii. 189.

them in an unsatisfactory manner,—was deemed a proof of guilt, and immediate execution ensued.

These last proceedings had taken place while James himself had the government in his hands, and under his immediate directions. Not long after, and when the exclusionists in England were supposed to be entirely defeated, was passed (James being the king's commissioner,) the famous bill of succession, declaring that no difference of religion, nor any statute or law grounded upon such, or any other pretence, could defeat the hereditary right of the heir to the crown, and that to propose any limitation upon the future administration of such heir was high treason. But the protestant religion was to be secured; for those who were most obsequious to the court, and the most willing and forward instruments of its tyranny,—were, nevertheless,—zealous protestants. A test was therefore framed for this purpose, which was imposed upon all persons exercising any civil or military functions whatever, the royal family alone excepted; but to the declaration of adherence to the protestant religion was added a recognition of the king's supremacy in ecclesiastical matters, and a complete renunciation in civil concerns of every right belonging to a free subject. An adherence to the protestant religion, according to the confession of it referred to in the test, seemed to some inconsistent with the acknowledgment of the king's supremacy and that clause of the oath which related to civil matters, inasmuch as it declared against endeavouring at any alteration in the church or state, seemed incompatible with the duties of a counsellor or a member of parliament. Upon these grounds the earl of Argyle, in taking the oath, thought fit to declare as follows:—

“I have considered the test,—and I am very desirous to give obedience as far as I can. I am confident the parliament never intended to impose contradictory oaths; therefore I think no man can explain it but for himself. Accordingly I take it, as far as it is consistent with itself and the protestant religion. And I do declare, that I mean not to bind up myself in my station,—and in a lawful way,—to wish and endeavour any alteration I think to the advantage of the church or state, not repugnant to the protestant religion and my loyalty. And this I understand as a part of the oath.” And for this declaration, though unnoticed at the time, he



was in a few days afterwards committed,—and shortly after sentenced to die.<sup>1</sup> Nor was the test applied only to those for whom it had been originally instituted, but by being offered to those numerous classes of people who were within the reach of the late severe criminal laws, as an alternative for death or confiscation, it might fairly be said to be imposed upon the greater part of the country.

Not long after these transactions, James took his final leave of the government, and in his parting speech recommended, in the strongest terms, the support of the church. This gracious expression, the sincerity of which seemed to be evinced by his conduct to the conventiclers, and the severity with which he had enforced the test,—obtained him a testimonial from the bishops of his affection to their protestant church; a testimonial to which, upon the principle that they are the best friends to the church who are most willing to persecute such as dissent from it,—he was,—notwithstanding his own nonconformity,—most amply entitled.<sup>2</sup>

Queensbury's administration ensued, in which the maxims that had guided his predecessors were so far from being relinquished, that they were pursued, if possible, with greater steadiness and activity. Lawrie of Blackwood was condemned for having holden intercourse with a rebel,—whose name was not to be found in any of the lists of the intercommuned or proscribed; and a proclamation was issued, threatening all who were in like circumstances with a similar fate. The intercourse with rebels having been in great parts of the kingdom promiscuous and universal,—more than twenty thousand persons were objects of this menace.<sup>3</sup> Fines and extor-  
tions of all kinds were employed to enrich the public treasury, to which, therefore, the multiplication of crimes became a fruitful source of revenue; and lest it should not be sufficiently so, husbands were made answerable (and that too with a retrospect,) for the absence of their wives from church; a

<sup>1</sup> The disgusting ease with which James (in his Memoirs, Macpherson's State Papers, i. 123,) speaks of Argyle's case, his pretence that he put his life in jeopardy only with a view to seize his property, seems to destroy all notions of this prince's having had any honour or conscience; nor after this, can we give much credit to the declaration, that Argyle's life was not aimed at.—*Note from Mr. Fox's Common-Place Book.*

<sup>2</sup> Burnet.

<sup>3</sup> Burnet. Laing, 132.

circumstance which the presbyterian women's aversion to the episcopal form of worship had rendered very general.<sup>1</sup>

This system of government, and especially the rigour with which those concerned in the late insurrections, the excommunication of the king, or the other outrages complained of, were pursued and hunted, sometimes by bloodhounds, sometimes by soldiers almost equally savage, and afterwards shot like wild beasts,<sup>2</sup> drove some of those sectaries who were styled Cameronians, and other proscribed persons, to measures of absolute desperation. They made a declaration, which they caused to be affixed to different churches, importing, that they would use the law of retaliation, and "we will," said they, "punish as enemies to God, and to the covenant, such persons as shall make it their work to imbrue their hands in our blood; and chiefly, if they shall continue obstinately and with habitual malice to proceed against us;" with more to the like effect.<sup>3</sup> Upon such an occasion the interference of government became necessary. The government did indeed interfere, and by a vote of council ordered, that whoever owned or refused to disown the declaration on oath, should be put to death, in the presence of two witnesses, though unarmed when taken. The execution of this massacre in the twelve counties which were principally concerned, was committed to the military, and exceeded, if possible, the order itself. The disowning the declaration was required to be in a particular form prescribed. Women, obstinate in their fanaticism, lest female blood should be a stain upon the swords of soldiers engaged in this honourable employment, were drowned. The habitations, as well of those who had fled to save themselves, as of those who suffered, were burnt and destroyed. Such members of the families of the delinquents as were above twelve years old, were imprisoned for the purpose of being afterwards transported. The brutality of the soldiers was such as might be expected from an army let loose from all restraint, and employed to execute the royal justice, as it was called, upon wretches. Graham, who has been mentioned before, and who, under the title of lord Dundee, a title which was probably conferred upon him by James for these or similar services, was afterwards esteemed such a

<sup>1</sup> Laing, 140.

<sup>2</sup> Woodrow, ii. 447. 449.

<sup>3</sup> Id. ii.

hero among the Jacobite party,—particularly distinguished himself. Of six unarmed fugitives whom he seized, he caused four to be shot in his presence, nor did the remaining two experience any other mercy from him than a delay of their doom; and at another time,—having intercepted the flight of one of these victims, he had him shown to his family, and then murdered in the arms of his wife. The example of persons of such high rank,—and who must be presumed to have had an education in some degree correspondent to their station, could not fail of operating upon men of a lower order in society. The carnage became every day more general and more indiscriminate; and the murder of peasants in their houses, or while employed at their usual work in the fields, by the soldiers, was not only not reprov'd or punished, but deemed a meritorious service by their superiors.<sup>1</sup> The demise of king Charles, which happened about this time, caused no suspension or relaxation in these proceedings,—which seemed to have been the crowning measure, as it were, or finishing stroke of that system, for the steady perseverance in which James so much admired the resolution of his brother.

It has been judg'd necessary to detail these transactions in a manner which may, to some readers, appear an impertinent digression from the narrative in which this history is at present engaged, in order to set in a clearer light some points of the greatest importance. In the first place, from the summary review of the affairs of Scotland, and from the complacency with which James looks back to his own share of them, joined to the general approbation he expressed of the conduct of government in that kingdom, we may form a pretty just notion, as well of his maxims of policy,—as of his temper and disposition in matters where his bigotry to the Roman catholic religion had no share. For it is to be observed and carefully kept in mind, that the church, of which he not only recommends the support, but which he showed himself ready to maintain by the most violent means,—is the episcopalian church of the protestants; that the test which he enforced at the point of the bayonet was a protestant test, so much so indeed, that he himself could not take it; and that the more marked character of the conventicles,—the ob-

<sup>1</sup> Burnet. Woodrow. Laing.



jects of his persecution, was not so much that of heretics excommunicated by the pope, as of dissenters from the church of England, and irreconcilable enemies to the protestant liturgy and the protestant episcopacy. But he judged the church of England to be a most fit instrument for rendering the monarchy absolute. On the other hand, the presbyterians were thought naturally hostile to the principles of passive obedience, and to one or other, or with more probability, to both of these considerations, joined to the natural violence of his temper, is to be referred the whole of his conduct in this part of his life, which in this view is rational enough; but on the supposition of his having conceived thus early the intention of introducing popery upon the ruins of the church of England, is wholly unaccountable, and no less absurd, than if a general were to put himself to great cost and pains to furnish with ammunition and to strengthen with fortifications, a place of which he was actually meditating the attack.

The next important observation that occurs, and to which even they who are most determined to believe that this prince had always popery in view, and held every other consideration as subordinate to that primary object, must nevertheless subscribe, is that the most confidential advisers, as well as the most furious supporters of the measures we have related, were not Roman catholics. Lauderdale and Queensbury were both protestants. There is no reason, therefore, to impute any of James's violence afterwards to the suggestions of his catholic advisers, since he who had been engaged in the series of measures above related, with protestant counsellors and coadjutors, had surely nothing to learn from papists (whether priests, jesuits, or others,) in the science of tyranny. Lastly, from this account we are enabled to form some notion of the state of Scotland, at a time when the parliament of that kingdom was called to set an example for this, and we find it to have been a state of more absolute slavery than at that time subsisted in any part of Christendom.

The affairs of Scotland being in the state which we have described, it is no wonder that the king's letter was received with acclamations of applause, and that the parliament opened, not only with approbation of the government, but even with

an enthusiastic zeal to signalize their loyalty, as well by a perfect acquiescence to the king's demands, as by the most fulsome expressions of adulation. "What prince in Europe, or in the whole world," said the chancellor Perth, "was ever like the late king, except his present majesty, who had undergone every trial of prosperity and adversity, and whose unwearied clemency was not among the least conspicuous of his virtues? To advance his honour and greatness was the duty of all his subjects, and ought to be the endeavour of their lives without reserve." The parliament voted an address, scarcely less adulatory than the chancellor's speech.

"May it please your sacred majesty, — Your majesty's gracious and kind remembrance of the services done by this, your ancient kingdom, to the late king your brother, of ever glorious memory, shall rather raise in us ardent desires to exceed whatever we have done formerly, than make us consider them as deserving the esteem your majesty is pleased to express of them in your letter to us, dated the twenty-eighth of March. The death of that our excellent monarch is lamented by us to all the degrees of grief that are consistent with our great joy for the succession of your sacred majesty, who has not only continued, but secured the happiness which his wisdom, his justice, and clemency procured to us: and having the honour to be the first parliament which meets by your royal authority, of which we are very sensible, your majesty may be confident that we will offer such laws as may best secure your majesty's sacred person, the royal family and government, and be so exemplary loyal, as to raise your honour and greatness to the utmost of our power, which we shall ever esteem both our duty and interest. Nor shall we leave anything undone for extirpating all fanaticism, but especially those fanatical murderers and assassins, and for detecting and punishing the late conspirators, whose pernicious and execrable designs did so much tend to subvert your majesty's government, and ruin us and all your majesty's faithful subjects. We can assure your majesty, that the subjects of this your majesty's ancient kingdom are so desirous to exceed all their predecessors in extraordinary marks of affection and obedience to your majesty, that (God be praised,) the only way to be popular with us is to be eminently loyal. Your majesty's care of us, when you took us to be your special charge, your wisdom in extinguishing the

seeds of rebellion and faction amongst us, your justice, which was so great as to be for ever exemplary, but above all, your majesty's free and cheerful securing to us our religion, when you were the late king's,—your royal brother's commissioner,—now again renewed, when you are our sovereign, are what your subjects here can never forget, and therefore your majesty may expect that we will think your commands sacred as your person, and that your inclination will prevent our debates; nor did ever any who represented our monarchs as their commissioners (except your royal self,) meet with greater respect, or more exact observance from a parliament, than the duke of Queensbury, (whom your majesty has so wisely chosen to represent you in this, and of whose eminent loyalty and great abilities in all his former employments, this nation hath seen so many proofs,) shall find from

“May it please your sacred majesty, your majesty's most humble, most faithful, and most obedient subjects and servants,

“PERTH, Cancell.”

*they were selfish men - that's all that can be said for them*

Nor was this spirit of loyalty, (as it was then called,) of abject slavery, and unmanly subservience to the will of a despot,—as it has been justly denominated by the more impartial judgment of posterity, confined to words only. Acts were passed to ratify all the late judgments, however illegal or iniquitous, to indemnify the privy council, judges, and all officers of the crown, civil or military,—for all the violences they had committed; to authorise the privy council to impose the test upon all ranks of people under such penalties as that board might think fit to impose; to extend the punishment of death, which had formerly attached upon the preachers at field conventicles only, to all their auditors, and likewise to the preachers at house conventicles; to subject to the penalties of treason all persons who should give or take the covenant, or write in defence thereof,—or in any other way own it to be obligatory; and lastly, in a strain of tyranny, for which there was, it is believed, no precedent, and which certainly has never been surpassed,—to enact that all such persons as being cited in cases of high treason, field or house conventicles, or church irregularities, should refuse to give testimony, should be liable to the punishment due by law to the criminals against whom they refused to be witnesses. It is true that an act was also passed for confirming all former statutes in



*subtle to keep in with the other side?*

favour of the protestant religion as then established, in their whole strength and tenour, as if they were particularly set down and expressed in the said act; but when we recollect the notions which Queensbury at that time entertained of the king's views, this proceeding forms no exception to the general system of servility which characterised both ministers and parliament. All matters in relation to revenue were of course settled in the manner most agreeable to his majesty's wishes and the recommendation of his commissioner.

While the legislature was doing its part, the executive government was not behindhand in pursuing the system which had been so much commended. A refusal to abjure the declaration in the terms prescribed, was everywhere considered as sufficient cause for immediate execution. In one part of the country, information having been received that a corpse had been clandestinely buried, an inquiry took place; it was dug up, and found to be that of a person proscribed. Those who had interred him were suspected, not of having murdered, but of having harboured him. For this crime their house was destroyed, and the women and children of the family being driven out to wander as vagabonds, a young man belonging to it was executed by the order of Johnston of Westerraw. Against this murder even Graham himself is said to have remonstrated, but was content with protesting, that the blood was not upon his head; and not being able to persuade a highland officer to execute the order of Johnston, ordered his own men to shoot the unhappy victim.<sup>1</sup> In another county, three females, one of sixty-three years of age, one of eighteen, and one of twelve, were charged with rebellion; and refusing to abjure the declaration, were sentenced to be drowned. The last was let off upon condition of her father's giving a bond for a hundred pounds. The elderly woman, who is represented as a person of eminent piety, bore her fate with the greatest constancy, nor does it appear that her death excited any strong sensations in the minds of her savage executioners. The girl of eighteen was more pitied; and after many intreaties, and having been once under water, was prevailed upon to utter some words which might be fairly construed into blessing the king, a mode of obtaining pardon not unfrequent in cases where the

<sup>1</sup> Woodrow, ii. 507.

persecutors were inclined to relent. Upon this it was thought she was safe, but the merciless barbarian who superintended this dreadful business was not satisfied; and upon her refusing the abjuration, she was again plunged into the water, where she expired.<sup>1</sup> It is to be remarked that being at Bothwell bridge and Air's moss were among the crimes stated in the indictment of all the three, though, when the last of these affairs happened, one of the girls was only thirteen, and the other not eight years of age. At the time of the Bothwell bridge business, they were still younger. To recite all the instances of cruelty which occurred would be endless; but it may be necessary to remark that no historical facts are better ascertained than the accounts of them which are to be found in Woodrow. In every instance where there has been an opportunity of comparing these accounts with records, and other authentic monuments, they appear to be quite correct. *but how is that?*

The Scottish parliament having thus set, as they had been required to do, an eminent example of what was then thought duty to the crown, the king met his English parliament on the 19th of May, 1685, and opened it with the following speech:—

“ My lords and gentlemen,—After it pleased Almighty God to take to his mercy the late king, my dearest brother, and to bring me to the peaceable possession of the throne of my ancestors, I immediately resolved to call a parliament, as the best means to settle everything upon those foundations as may make my reign both easy and happy to you; towards which, I am disposed to contribute all that is fit for me to do.

“ What I said to my privy council, at my first coming there, I am desirous to renew to you; wherein I fully declare my opinion concerning the principles of the church of England, whose members have showed themselves so eminently loyal in the worst of times, in defence of my father and support of my brother, (of blessed memory,) that I will always take care to defend and support it. I will make it my endeavour to preserve this government, both in church and state, as it is by law established: and as I will never depart from the just rights and prerogatives of the crown, so I will never

<sup>1</sup> Woodrow, ii. 506.

invade any man's property; and you may be sure that having heretofore ventured my life in the defence of this nation, I will still go as far as any man in preserving it in all its just rights and liberties.

“And having given this assurance concerning the care I will have of your religion and property,—which I have chose to do in the same words which I used at my first coming to the crown, the better to evidence to you that I spoke them not by chance, and consequently that you may firmly rely upon a promise so solemnly made, I cannot doubt that I shall fail of suitable returns from you, with all imaginable duty and kindness on your part,—and particularly to what relates to the settling of my revenue,—and continuing it during my life, as it was in the lifetime of my brother. I might use many arguments to enforce this demand for the benefit of trade, the support of the navy, the necessity of the crown, and the well-being of the government itself, which I must not suffer to be precarious: but I am confident, your own consideration of what is just and reasonable will suggest to you whatsoever might be enlarged upon this occasion.

“There is one popular argument which I foresee may be used against what I ask of you, from the inclination men have for frequent parliaments; which some may think would be the best security, by feeding me, from time to time, by such proportions as they shall think convenient: And this argument, it being the first time I speak to you from the throne, I will answer,—once for all, that this would be a very improper method to take with me; and that the best way to engage me to meet you often is always to use me well.

“I expect therefore, that you will comply with me in what I have desired, and that you will do it speedily; that this may be a short session, and that we may meet again to all our satisfactions.

“My lords and gentlemen,—I must acquaint you, that I have had news this morning from Scotland that Argyle is landed in the West Highlands, with the men he brought with him from Holland: that there are two declarations published; one in the name of all those in arms, the other in his own. It would be too long for me to repeat the substance of them; it is sufficient to tell you,—I am charged with usurpation and tyranny. The shorter of them I have directed to be forthwith communicated to you.



"I will take the best care I can that this declaration of their own faction and rebellion may meet with the reward it deserves; and I will not doubt but you will be the more zealous to support the government, and give me my revenue, as I have desired it, without delay."

The repetition of the words made use of in his first speech to the privy council shows, that in the opinion of the court at least they had been well chosen, and had answered their purpose; and even the haughty language which was added, and was little less than a menace to parliament if it should not comply with his wishes, was not, as it appears, unpleasing to the party which at that time prevailed, since the revenue enjoyed by his predecessor was unanimously, and almost immediately, voted to him for life. It was not remarked, in public at least, that the king's threat of governing without parliament, was an unequivocal manifestation of his contempt of the law of the country, so distinctly established, though so ineffectually secured by the statute of the sixteenth of Charles II., for holding triennial parliaments. It is said, lord-keeper Guildford had prepared a different speech for his majesty, but that this was preferred as being the king's own words;<sup>1</sup> and indeed that part of it, in which he says that he must answer once for all, that the commons giving such proportions as they might think convenient would be a very improper way with him, bears, as well as some others, the most evident marks of its royal origin. It is to be observed, however, that in arguing for his demand, as he styles it, of revenue, he says, not that the parliament ought not, but that *he* must not suffer the well-being of the government depending upon such revenue to be precarious; whence it is evident that he intended to have it understood, that if the parliament did not grant, he purposed to levy a revenue without their consent. It is impossible that any degree of party spirit should so have blinded men as to prevent them from perceiving in this speech a determination on the part of the king to conduct his government upon the principles of absolute monarchy, and to those who were not so possessed with the love of royalty, which creates a kind of passionate affection for whoever happens to be the wearer of the crown, the vindictive manner in which he speaks of Argyle's inva-

<sup>1</sup> Life of Lord Keeper North. Ralph.

sion might afford sufficient evidence of the temper in which his power would be administered. In that part of his speech he first betrays his personal feelings towards the unfortunate nobleman, whom, in his brother's reign, he had so cruelly and treacherously oppressed, by dwelling upon his being charged by Argyle with tyranny and usurpation, and then declares, that he will take the best care, not according to the usual phrases, to protect the loyal and well disposed, and to restore tranquillity, but that the declaration of the factious and rebellious may meet with the reward it deserves; thus marking out revenge and punishment as the consequences of victory, upon which he was most intent.

It is impossible, that in a house of commons, however composed, there should not have been many members who disapproved the principles of government announced in the speech, and who were justly alarmed at the temper in which it was conceived. But these, overpowered by numbers, and perhaps afraid of the imputation of being concerned in plots and insurrections, (an imputation which, if they had shown any spirit of liberty, would most infallibly have been thrown on them,) declined expressing their sentiments; and, in the short session which followed, there was an almost uninterrupted unanimity in granting every demand, and acquiescing in every wish of the government. The revenue was granted, without any notice being taken of the illegal manner in which the king had levied it upon his own authority. Argyle was stigmatised as a traitor; nor was any desire expressed to examine his declarations, one of which seemed to be purposely withheld from parliament. Upon the communication of the duke of Monmouth's landing in the west, that nobleman was immediately attainted by bill. The king's assurance was recognised as a sufficient security for the national religion; and the liberty of the press was destroyed by the revival of the statute of the 13th and 14th of Charles II. This last circumstance, important as it is, does not seem to have excited much attention at the time, which, considering the general principles then in fashion, is not surprising. That it should have been scarcely noticed by any historian, is more wonderful. It is true, however, that the terror inspired by the late prosecutions for libels, and the violent conduct of the courts upon such occasions, rendered a formal destruction of

the liberty of the press a matter of less importance. So little does the magistracy, when it is inclined to act tyrannically, stand in need of tyrannical laws to effect its purpose. The bare silence and acquiescence of the legislature is, in such a case, fully sufficient to annihilate practically speaking, every right and liberty of the subject.

As the grant of revenue was unanimous, so there does not appear to have been anything which can justly be styled a debate upon it; though Hume employs several pages in giving the arguments which, he affirms, were actually made use of, and, as he gives us to understand, in the house of commons, for and against the question; arguments which, on both sides, seem to imply a considerable love of freedom and jealousy of royal power, and are not wholly unmixed even with some sentiments disrespectful to the king. Now I cannot find, either from tradition, or from contemporary writers, any ground to think that either the reasons which Hume has ad-  
*i.e. Hume's list about it*  
duced, or indeed any other, were urged in opposition to the grant. The only speech made upon the occasion, seems to have been that of Mr. (afterwards sir Edward) Seymour, who, though of the tory party, a strenuous opposer of the exclusion bill, and in general supposed to have been an approver, if not an adviser, of the tyrannical measures of the late reign, has the merit of having stood forward singly, to remind the house of what they owed to themselves and their constituents. He did not, however, directly oppose the grant, but stated, that the elections had been carried on under so much court influence, and in other respects so illegally, that it was the duty of the house first to ascertain who were the legal members, before they proceeded to other business of importance. After having pressed this point, he observed that, if ever it were necessary to adopt such an order of proceeding, it was more peculiarly so now, when the laws and religion of the nation were in evident peril; that the aversion of the English people to popery, and their attachment to the laws were such, as to secure these blessings from destruction by any other instrumentality than that of parliament itself, which, however, might be easily accomplished, if there were once a parliament entirely dependent upon the persons who might harbour such designs; that it was already rumoured



that the Test and Habeas Corpus acts, the two bulwarks of our religion and liberties, were to be repealed; that what he stated was so notorious as to need no proof. Having descanted with force and ability upon these and other topics of a similar tendency, he urged his conclusion, that the question of royal revenue ought not to be the first business of the parliament.<sup>1</sup> Whether, as Burnet thinks, because he was too proud to make any previous communication of his intentions, or that the strain of his argument was judged to be too bold for the times, this speech, whatever secret approbation it might excite, did not receive from any quarter either applause or support. Under these circumstances it was not thought necessary to answer him, and the grant was voted unanimously, without further discussion.

As Barillon, in the relation of parliamentary proceedings, transmitted by him to his court, in which he appears at this time to have been very exact, gives the same description of Seymour's speech and its effects with Burnet, there can be little doubt but their account is correct. It will be found as well in this, as in many other instances, that an unfortunate inattention on the part of the reverend historian to forms, has made his veracity unjustly called in question. He speaks of Seymour's speech as if it had been a motion in the technical sense of the word, for inquiring into the elections, which had no effect. Now no traces remaining of such a motion, and, on the other hand, the elections having been at a subsequent period inquired into, Ralph almost pronounces the whole account to be erroneous; whereas the only mistake consists in giving the name of motion to a suggestion, upon the question of a grant. It is whimsical enough, that it should be from the account of the French ambassador that we are enabled to reconcile to the records and to the forms of the English house of commons, a relation made by a distinguished member of the English house of lords. Sir John Reresby does indeed say, that among the gentlemen of the house of commons whom he accidentally met, they in general seemed willing to settle a handsome revenue upon the king, and to give him money; but whether their grant should be permanent, or only temporary, and to be renewed from time to time by parlia-

<sup>1</sup> Burnet, ii. 322.

ment, that the nation might be often consulted, was the question.<sup>1</sup> But besides the looseness of the expression, which may only mean that the point was questionable, it is to be observed, that he does not relate any of the arguments which were brought forward even in the private conversations to which he refers; and when he afterwards gives an account of what passed in the house of commons, (where he was present,) he does not hint at any debate having taken place, but rather implies the contrary.

This misrepresentation of Mr. Hume's is of no small importance,—inasmuch as,—by intimating that such a question could be debated at all, and much more, that it was debated with the enlightened views and bold topics of argument with which his genius has supplied him,—he gives us a very false notion of the character of the parliament and of the times which he is describing. It is not improbable, that if the arguments had been used, which this historian supposes, the utterer of them would have been expelled, or sent to the Tower; and it is certain that he would not have been heard with any degree of attention or even patience.

The unanimous vote for trusting the safety of religion to the king's declaration, passed not without observation; the rights of the church of England being the only point upon which, at this time, the parliament were in any degree jealous of the royal power. The committee of religion had voted unanimously, "That it is the opinion of the committee, that this house will stand by his majesty with their lives and fortunes, according to their bounden duty and allegiance, in defence of the reformed church of England, as it is now by law established; and that an humble address be presented to his majesty, to desire him to issue forth his royal proclamation, to cause the penal laws to be put in execution against all dissenters from the church of England whatsoever." But upon the report of the house, the question of agreeing with the committee was evaded by a previous question, and the house, with equal unanimity, resolved: "That this house doth acquiesce, and entirely rely, and rest wholly satisfied, on his majesty's gracious word, and repeated declaration to support and defend the religion of the church of England, as

<sup>1</sup> Reresby's Memoirs, 192.

it is now by law established, which is dearer to us than our lives." Mr. Echard, and bishop Kennet, two writers of different principles, but both churchmen, assign, as the motive of this vote, the unwillingness of the party then prevalent in parliament to adopt severe measures against the protestant dissenters; but in this notion they are by no means supported by the account, imperfect as it is, which sir John Reresby gives of the debate; for he makes no mention of tenderness towards dissenters, but states, as the chief argument against agreeing with the committee, that it might excite a jealousy of the king;<sup>1</sup> and Barillon expressly says, that the first vote gave great offence to the king, still more to the queen, and that orders were, in consequence, issued to the court members of the house of commons to devise some means to get rid of it. Indeed, the general circumstances of the times are decisive against the hypothesis of the two reverend historians; nor is it, as far as I know, adopted by any other historians. The probability seems to be, that the motion in the committee had been originally suggested by some whig member, who could not, with prudence, speak his real sentiments openly, and who thought to embarrass the government, by touching upon a matter where the union between the church party and the king would be put to the severest test. The zeal of the tories for persecution made them at first give into the snare; but when, upon reflection, it occurred that the involving of the catholics in one common danger with the protestant dissenters, must be displeasing to the king, they drew back without delay, and passed the most comprehensive vote of confidence which James could desire.<sup>2</sup>

Further to manifest their servility to the king, as well as their hostility to every principle that could by implication be supposed to be connected with Monmouth or his cause, the

<sup>1</sup> Echard. Kennet, 441. Reresby, 198.

<sup>2</sup> A most curious instance of the circuitous mode and deep devices to which the whigs, if they wished at this time to oppose the court, were obliged to resort, is a scheme which seems to have been seriously entertained by them, of moving to disqualify from office all persons who had voted for the exclusion. Disqualification from offices, which they had no means of obtaining, was to them of no importance, and by obliging the king to remove Godolphin, and more especially Sunderland, they might put the court to considerable difficulties.



house of commons passed a bill for the preservation of his majesty's person, in which, after enacting that a written or verbal declaration of a treasonable intention should be tantamount to a treasonable act, they inserted two remarkable clauses, by one of which to assert *the legitimacy of Monmouth's birth*, by the other, *to propose in parliament any alteration in the succession of the crown*, were made likewise high treason. We learn from Burnet,<sup>1</sup> that the first part of this bill was strenuously and warmly debated, and that it was chiefly opposed by serjeant Maynard, whose arguments made some impression even at that time; but whether the serjeant was supported in his opposition, as the word *chiefly* would lead us to imagine, or if supported, by whom, that historian does not mention; and, unfortunately, neither of Maynard's speech itself, nor indeed of any opposition whatever to the bill, is there any other trace to be found. The crying injustice of the clause which subjected a man to the pains of treason merely for delivering his opinion upon a controverted fact, though he should do no act in consequence of such opinion, was not, as far as we are informed, objected to or at all noticed, unless indeed the speech above alluded to, in which the speaker is said to have descanted upon the general danger of making words treasonable, be supposed to have been applied to this clause as well as to the former part of the bill. That the other clause should have passed without opposition or even

<sup>1</sup> Ralph unjustly accuses Burnet of inaccuracy on this occasion, and asserts, "That unfortunately for us, or this right reverend author, there is not the least trace of any such bill to be found in any of the accounts of this parliament extant; and therefore we are under a necessity to suppose, that if any such clause was offered, it was by way of supplement to the bill for the preservation of his majesty's person and government, which, no doubt, was strict enough, and which passed the house of commons while Monmouth was in arms, just before the adjournment, but never reached the lords," ii. 911. Now, the enactment to which the bishop alludes, was not, as Ralph supposes, a supplement to the bill for the preservation of his majesty's person, but made part of the very first clause of it; and the only inaccuracy, if indeed it deserves that name, of which Burnet is guilty, is that of calling the bill what it really was, a Bill for Declaring Treasons, and not giving it its formal title of a Bill for the Preservation of His Majesty's Person, &c. The bill is preserved among the papers of the house of commons; and whoever peruses with attention some of our modern statutes, will perceive, that though not adduced as a precedent, on account perhaps of the inauspicious reign in which it made its appearance, it has but too often been used as a model.

observation, must appear still more extraordinary, when we advert, not only to the nature of the clause itself, but to the circumstances of there being actually in the house no inconsiderable number of members who had, in the former reign, repeatedly voted for the exclusion bill.

It is worthy of notice, however, that while every principle of criminal jurisprudence, and every regard to the fundamental rights of the deliberative assemblies, which make part of the legislature of the nation, were thus shamelessly sacrificed to the eagerness which, at this disgraceful period, so generally prevailed of manifesting loyalty, or rather abject servility to the sovereign, there still remained no small degree of tenderness for the interests and safety of the church of England, and a sentiment approaching to jealousy upon any matter which might endanger, even by the most remote consequences, or put any restriction upon her ministers. With this view, as one part of the bill did not relate to treasons only, but imposed new penalties upon such as should, by writing, printing, preaching, or other speaking, attempt to bring the king or his government into hatred or contempt, there was a special proviso added, "that the asserting and maintaining, by any writing, printing, preaching, or any other speaking, the doctrine, discipline, divine worship, or government of the church of England as it is now by law established, against popery or any other different or dissenting opinions, is not intended, and shall not be interpreted or construed to be any offence within the words or meaning of this act." It cannot escape the reader, that only such attacks upon popery as were made in favour of the doctrine and discipline of the church of England, and no other, were protected by this proviso, and consequently that, if there were any real occasion for such a guard, all protestant dissenters who should write or speak against the Roman superstition, were wholly unprotected by it, and remained exposed to the danger, whatever it might be, from which the church was so anxious to exempt her supporters.

This bill passed the house of commons, and was sent up to the house of lords on the 30th of June. It was read a first time on that day, but the adjournment of both houses taking place on the 2nd of July, it could not make any further progress at that time; and when the parliament met afterwards

in autumn, there was no longer that passionate affection for the monarch, nor consequently that ardent zeal for servitude which were necessary to make a law with such clauses and provisos palatable or even endurable.

It is not to be considered as an exception to the general complaisance of parliament, that the speaker, when he presented the revenue bill, made use of some strong expressions, declaring the attachment of the commons to the national religion.<sup>1</sup> Such sentiments could not be supposed to be displeasing to James, after the assurances he had given of his regard for the church of England. Upon this occasion his majesty made the following speech:—

“My lords and gentlemen,—I thank you very heartily for the bill you have presented me this day; and I assure you, the readiness and cheerfulness that has attended the despatch of it, is as acceptable to me as the bill itself.

“After so happy a beginning, you may believe I would not call upon you unnecessarily for an extraordinary supply; but when I tell you, that the stores of the navy and ordnance are extremely exhausted, that the anticipations upon several branches of the revenue are great and burthensome; that the debts of the king, my brother, to his servants and family, are such as deserve compassion; that the rebellion in Scotland, without putting more weight upon it than it really deserves, must oblige me to a considerable expense extraordinary: I am sure, such considerations will move you to give me an aid to provide for those things, wherein the security, the ease, and the happiness of my government are so much concerned. But above all, I must recommend to you the care of the navy, the strength and glory of this nation; that you will put it into such a condition as may make us considered and respected abroad. I cannot express my concern upon this occasion more suitable to my own thoughts of it than by assuring you I have a true English heart, as jealous of the honour of the nation as you can be; and I please myself with the hopes, that by God’s blessing and your assistance, I

<sup>1</sup> “The commons of England have here presented your majesty with the Bill of Tonnage and Poundage, with all readiness and cheerfulness; and that without any security for their religion, though it be dearer to them than their lives, relying wholly on your royal word for the security of it; and humbly beseech your majesty to accept this their offer,” &c.—*Kennet*, ii. 427.



may carry the reputation of it yet higher in the world than ever it has been in the time of any of my ancestors; and as I will not call upon you for supplies but when they are of public use and advantage, so I promise you, that what you give me upon such occasions shall be managed with good husbandry; and I will take care it shall be employed to the uses for which I ask them."

Rapin, Hume, and Ralph, observe upon this speech, that neither the generosity of the commons' grant, nor the confidence they expressed upon religious matters, could extort a kind word in favour of their religion. But this observation, whether meant as a reproach to him for his want of gracious feeling to a generous parliament, or as an oblique compliment to his sincerity, has no force in it. His majesty's speech was spoken immediately upon passing the bills which the speaker presented, and he could not therefore take notice of the speaker's words, unless he had spoken extempore; for the custom is not, nor I believe ever was, for the speaker to give beforehand copies of addresses of this nature. James would not certainly have scrupled to repeat the assurances which he had so lately made in favour of the protestant religion, as he did not scruple to talk of his true English heart, honour of the nation, &c., at a time when he was engaged with France; but the speech was prepared for an answer to a money bill, not for a question of the protestant religion and church, and the false professions in it are adapted to what was supposed to be the only subject of it.

1680- The only matter in which the king's views were in any degree thwarted, was the reversal of lord Stafford's attainder, which, having passed the house of lords, not without opposition, was lost in the house of commons; a strong proof that the popish plot was still the subject upon which the opposers of the court had most credit with the public. Mr. Hume, notwithstanding his just indignation at the condemnation of Stafford, and his general inclination to approve of royal politics, most unaccountably justifies the commons in their rejection of this bill, upon the principle of its being impolitic at that time to grant so full a justification of the catholics, and to throw so foul an imputation upon the protestants. Surely if there be one moral duty that is binding upon men in all times, places, and circumstances, and from which no

supposed views of policy can excuse them, it is that of granting a full justification to the innocent; and such Mr. Hume considers the catholics, and especially lord Stafford to have been. The only rational way of accounting for this solitary instance of non-compliance on the part of the commons, is either to suppose that they still believed in the reality of the popish plot, and Stafford's guilt, or that the church party, which was uppermost, had such an antipathy to popery, as indeed to every sect whose tenets differed from theirs, that they deemed everything lawful against its professors.

On the 2nd of July, parliament was adjourned for the purpose of enabling the principal gentlemen to be present in their respective counties, at a time when their services and influence might be so necessary to government. It is said that the house of commons consisted of members so devoted to James, that he declared there were not forty in it whom he would not himself have named. But although this may have been true, and though from the new modelling of the corporations, and the interference of the court in elections, this parliament, as far as regards the manner of its being chosen, was by no means a fair representative of the legal electors of England, yet there is reason to think that it afforded a tolerably correct sample of the disposition of the nation, and especially of the church party, which was then uppermost.

The general character of the party at this time appears to have been a high notion of the king's constitutional power, to which was superadded a kind of religious abhorrence of all resistance to the monarch, not only in cases where such resistance was directed against the lawful prerogative, but even in opposition to encroachments, which the monarch might make beyond the extended limits which they assigned to his prerogative. But these tenets, and still more the principle of conduct naturally resulting from them, were confined to the civil, as contradistinguished from the ecclesiastical polity of the country. In church matters they neither acknowledged any very high authority in the crown, nor were they willing to submit to any royal encroachment on that side; and a steady attachment to the church of England, with a proportionable aversion to all dissenters from it, whether catholic or protestant, was almost universally prevalent among

them. A due consideration of these distinct features in the character of a party so powerful in Charles's and in James's time, and even when it was lowest, (that is, during the reigns of the two first princes of the house of Brunswick,) by no means inconsiderable, is exceedingly necessary to the right understanding of English history. It affords a clue to many passages otherwise unintelligible. For want of a proper attention to this circumstance, some historians have considered the conduct of the tories in promoting the revolution as an instance of great inconsistency. Some have supposed, contrary to the clearest evidence, that their notions of passive obedience, even in civil matters, were limited, and that their support of the government of Charles and James was founded upon a belief that those princes would never abuse their prerogative for the purpose of introducing arbitrary sway. But this hypothesis is contrary to the evidence both of their declarations and their conduct. Obedience without reserve, an abhorrence of all resistance, as contrary to the tenets of their religion, are the principles which they professed in their addresses, their sermons, and their decrees at Oxford; and surely nothing short of such principles could make men esteem the latter years of Charles II., and the opening of the reign of his successor, an era of national happiness and exemplary government. Yet this is the representation of that period, which is usually made by historians and other writers of the church party. "Never were fairer promises on one side, nor greater generosity on the other," says Mr. Echard. "The king had as yet, in no instance, invaded the rights of his subjects," says the author of the Caveat against the Whigs. Thus, as long as James contented himself with absolute power in civil matters, and did not make use of his authority against the church, everything went smooth and easy; nor is it necessary, in order to account for the satisfaction of the parliament and people, to have recourse to any implied compromise by which the nation was willing to yield its civil liberties as the price of retaining its religious constitution. The truth seems to be, that the king, in asserting his unlimited power, rather fell in with the humour of the prevailing party than offered any violence to it. Absolute power in civil matters, under the specious names of monarchy and prerogative, formed a most essential part of the tory creed;



but the order in which church and king are placed in the favourite device of the party, is not accidental, and is well calculated to show the genuine principles of such among them as are not corrupted by influence. Accordingly, as the sequel of this reign will abundantly show, when they found themselves compelled to make an option, they preferred, without any degree of inconsistency, their first idol to their second, and when they could not preserve both church and king, declared for the former.

It gives certainly no very flattering picture of the country to describe it as being in some sense fairly represented by this servile parliament, and not only acquiescing in, but delighted with the early measures of James's reign; the contempt of law exhibited in the arbitrary mode of raising his revenue; his insulting menace to the parliament, that if they did not use him well, he would govern without them; his furious persecution of the protestant dissenters, and the spirit of despotism which appeared in all his speeches and actions. But it is to be remembered, that these measures were in nowise contrary to the principles or prejudices of the church party, but rather highly agreeable to them; and that the whigs, who alone were possessed of any just notions of liberty, were so out-numbered and discomfited by persecution, that such of them as did not think fit to engage in the rash schemes of Monmouth or Argyle, held it to be their interest to interfere as little as possible in public affairs, and by no means to obtrude upon unwilling hearers opinions and sentiments which, ever since the dissolution of the Oxford parliament, in 1681, had been generally discountenanced, and of which the peaceable, or rather triumphant accession of James to the throne was supposed to seal the condemnation.

## CHAPTER III.

Attempts of Argyle and Monmouth—Account of their followers—Argyle's expedition discovered—His descent in Argyleshire—Dissensions among his followers—Loss of his shipping—His army dispersed, and himself taken prisoner—His behaviour in prison—His execution—The fate of his followers—Rumbold's last declaration examined—Monmouth's invasion of England—His first success and reception—His delays, disappointment, and despondency—Battle of Sedgemoor—He is discovered and taken—His letter to the king—His interview with James—His preparations for death—Circumstances attending his execution—His character.

It is now necessary to give some account of those attempts in Scotland by the earl of Argyle, and in England by the duke of Monmouth, of which the king had informed his parliament in the manner recited in the preceding chapter. The earl of Argyle was son to the marquis of Argyle, of whose unjust execution, and the treacherous circumstances accompanying it, notice has already been taken. He had in his youth been strongly attached to the royal cause, and had refused to lay down his arms till he had the exiled king's positive orders for that purpose. But the merit of his early services could neither save the life of his father, nor even procure for himself a complete restitution of his family honours and estates; and not long after the restoration, upon an accusation of leasing-making, an accusation founded, in this instance, upon a private letter to a fellow-subject, in which he spoke with some freedom of his majesty's Scottish ministry, he was condemned to death. The sentence was suspended and finally remitted, but not till after an imprisonment of twelve months and upwards. In this affair he was much assisted by the friendship of the duke of Lauderdale,

with whom he ever afterwards lived upon terms of friendship, though his principles would not permit him to give active assistance to that nobleman in his government of Scotland. Accordingly, we do not, during that period find Argyle's name among those who held any of those great employments of state to which, by his rank and consequence, he was naturally entitled. When James,--then duke of York,--was appointed to the Scottish government, it seems to have been the earl's intention to cultivate his royal highness's favour, and he was a strenuous supporter of the bill which condemned all attempts at exclusions or other alterations in the succession of the crown. But having highly offended that prince by insisting, on the occasion of the test, that the royal family, when in office, should not be exempted from taking that oath which they imposed upon subjects in like situations, his royal highness ordered a prosecution against him,--for the explanation with which he had taken the test oath at the council-board, and the earl was,--as we have seen,--again condemned to death. From the time of his escape from prison, he resided wholly in foreign countries, and was looked to as a principal ally by such of the English patriots as had at any time entertained thoughts, whether more or less ripened, of delivering their country.

James duke of Monmouth was the eldest of the late king's natural children. In the early parts of his life, he held the first place in his father's affections; and even in the height of Charles's displeasure at his political conduct, attentive observers thought they could discern that the traces of paternal tenderness were by no means effaced. Appearing at court in the bloom of youth,--with a beautiful figure and engaging manners, known to be the darling of the monarch, it is no wonder that he was early assailed by the arts of flattery; and it is rather a proof that he had not the strongest of all minds, than of any extraordinary weakness of character,--that he was not proof against them. He had appeared with some distinction in the Flemish campaigns, and his conduct had been noticed with the approbation of the commanders, as well Dutch as French, under whom he had respectively served. His courage was allowed by all,--his person admired,--his generosity loved,--his sincerity confided in. If his talents were not of the first rate, they were by no means contemptible; and he



possessed, in an eminent degree, qualities which, in popular government, are far more effective than the most splendid talents; qualities by which he inspired those who followed him, not only with confidence and esteem, but with affection, enthusiasm, and even fondness. Thus endowed, it is not surprising that his youthful mind was fired with ambition, or that he should consider the putting himself at the head of a party (a situation for which he seems to have been peculiarly qualified by so many advantages) as the means by which he was most likely to attain his object.

Many circumstances contributed to outweigh the scruples which must have harassed a man of his excellent nature, when he considered the obligations of filial duty and gratitude, and when he reflected that the particular relation in which he stood to the king rendered a conduct, which in any other subject would have been meritorious, ~~doubtful~~, if not extremely culpable in him. Among these, not the least was the declared enmity which subsisted between him and his uncle, the duke of York. The earl of Mulgrave, afterwards duke of Buckinghamshire, ~~boasted~~ in his Memoirs, that this enmity was originally owing to his contrivances; and while he is relating a conduct, upon which the only doubt can be, whether the object or the means were the most infamous, ~~seems to applaud himself~~ as if he had achieved some notable exploit. While, on the one hand, a prospect of his uncle's succession to the crown was intolerable to him, as involving in it a certain destruction of even the most reasonable and limited views of ambition which he might entertain, ~~he was~~ easily led to believe, on the other hand, that no harm, but the reverse, was intended towards his royal father, ~~whose~~ reign and life might become precarious if he obstinately persevered in supporting his brother; whereas, on the contrary, if he could be persuaded, or even forced, ~~to~~ yield to the wishes of his subjects, he might long reign a powerful, happy, and popular prince.

It is also reasonable to believe, that with those personal and private motives, others might co-operate of a public nature and of a more noble character. The protestant religion, ~~to~~ which he seems to have been sincerely attached, would be persecuted, or perhaps exterminated, if the king should be successful in his support of the duke of York and

his faction. At least, such was the opinion generally prevalent, while, with respect to the civil liberties of the country, no doubt could be entertained, that if the court party prevailed in the struggle then depending, they would be completely extinguished. Something may be attributed to his admiration of the talents of some, to his personal friendship for others among the leaders of the whigs, more to the aptitude of a generous nature to adopt, and, if I may so say, to become enamoured of those principles of justice, benevolence, and equality, which form the true creed of the party which he espoused. I am not inclined to believe that it was his connexion with Shaftesbury that inspired him with ambitious views, but rather to reverse cause and effect, and to suppose that his ambitious views produced his connexion with that nobleman; and whoever reads with attention lord Grey's account of one of the party meetings at which he was present, will perceive that there was not between them that perfect cordiality which has been generally supposed; but that Russell, Grey, and Hampden, were upon a far more confidential footing with him. It is far easier to determine generally, that he had high schemes of ambition, than to discover what was his precise object; and those who boldly impute to him the intention of succeeding to the crown, seem to pass by several weighty arguments, which make strongly against their hypothesis; such as his connexion with the duchess of Portsmouth, who, if the succession were to go to the king's illegitimate children, must naturally have been for her own son; his unqualified support of the exclusion bill, which without indeed mentioning her, most unequivocally settled the crown, in case of a demise, upon the princess of Orange; and, above all, the circumstance of his having, when driven from England, twice chosen Holland for his asylum. By his cousins he was received, not so much with the civility and decorum of princes, as with the kind familiarity of near relations, a reception to which he seemed to make every return of reciprocal cordiality.<sup>1</sup> It is not rashly to be believed, that he, who has never been accused of hardened wickedness, could have been upon such terms with, and so have behaved to, persons whom he purposed to disappoint in their dearest and best grounded hopes, and to defraud of their inheritance.

<sup>1</sup> D'Avaux.

Whatever his views might be, it is evident that they were of a nature wholly adverse, not only to those of the duke of York, but to the schemes of power entertained by the king, with which the support of his brother was intimately connected. Monmouth was therefore, at the suggestion of James, ordered by his father to leave the country, and deprived of all his offices, civil and military. The pretence for this exile was a sort of principle of impartiality, which obliged the king, at the same time that he ordered his brother to retire to Flanders, to deal equal measure to his son. Upon the duke of York's return (which was soon after), Monmouth thought he might without blame return also; and persevering in his former measures and old connexions, became deeply involved in the cabals to which Essex, Russell, and Sidney fell martyrs. After the death of his friends, he surrendered himself; and upon a promise that nothing said by him should be used to the prejudice of any of his surviving friends, wrote a penitentiary letter to his father, consenting, at the same time, to ask pardon of his uncle. A great parade was made of this by the court, as if it was designed by all means to goad the feelings of Monmouth: his majesty was declared to have pardoned him at the request of the duke of York, and his consent was required to the publication of what was called his confession. This he resolutely refused at all hazards, and was again obliged to seek refuge abroad, where he had remained to the period of which we are now treating.

A little time before Charles's death, he had indulged hopes of being recalled; and that his intelligence to that effect was not quite unfounded, or if false, was at least mixed with truth, is clear from the following circumstance:—From the notes found when he was taken, in his memorandum book, it appears that part of the plan concerted between the king and Monmouth's friend (probably Halifax), was that the duke of York should go to Scotland,<sup>1</sup> between which, and his being sent abroad again, Monmouth and his friends saw no material difference. Now in Barillon's letters to his court, dated the 7th of December, 1684, it appears that the duke of York had told that ambassador of his intended voyage to Scotland, though he represented it in a very different point of view, and said that it would not be attended with any diminution

<sup>1</sup> Welwood's Memoirs.



of his favour or credit. This was the light in which Charles, to whom the expressions, "to blind my brother, not to make the duke of York fly out," and the like, were familiar, would certainly have shown the affair to his brother, and therefore of all the circumstances adduced, this appears to me to be the strongest in favour of the supposition, that there was in the king's mind a real intention of making an important, if not a complete, change in his councils and measures.

Besides these two leaders, there were on the continent at that time several other gentlemen of great consideration. Sir Patrick Hume, of Polworth, had early distinguished himself in the cause of liberty. When the privy council of Scotland passed an order, compelling the counties to pay the expense of the garrisons arbitrarily placed in them, he refused to pay his quota, and by a mode of appeal to the court of session, which the Scotch lawyers call a bill of suspension, endeavoured to procure redress. The council ordered him to be imprisoned, for no other crime, as it should seem, than that of having thus attempted to procure, by a legal process, a legal decision upon a point of law. After having remained in close confinement in Stirling Castle, for near four years, he was set at liberty through the favour and interest of Monmouth. Having afterwards engaged in schemes connected with those imputed to Sidney and Russell, orders were issued for seizing him at his house in Berwickshire; but having had timely notice of his danger, from his relation, Hume of Ninewells, a gentleman attached to the royal cause,<sup>1</sup> but whom party spirit had not rendered insensible to the ties of kindred and private friendship, he found means to conceal himself for a time, and shortly after to escape beyond sea. His concealment is said to have been in the family burial-place, where the means of sustaining life were brought to him by his daughter, a girl of fifteen years of age, whose duty and affection furnished her with courage to brave the terrors, as well superstitious as real, to which she was necessarily exposed in an intercourse of this nature.<sup>2</sup>

Andrew Fletcher of Salton, a young man of great spirit,

<sup>1</sup> It is not without some satisfaction, that I learn, upon inquiry, that this gentleman was the ancestor of Hume the historian, who, in similar circumstances, would most certainly have followed his grandfather's example.

<sup>2</sup> MS. account of sir P. Hume.

had signalized himself in opposition to Lauderdale's administration of Scotland, and had afterwards connected himself with Argyle and Russell, and what was called the council of six. He had, of course, thought it prudent to leave Great Britain, and could not be supposed unwilling to join in any enterprise which might bid fair to restore him to his country, and his countrymen to their lost liberties, though, upon the present occasion, which he seems to have judged to be unfit for the purpose, he endeavoured to dissuade both Argyle and Monmouth from their attempts. He was a man of much thought and reading, of an honourable mind, and a fiery spirit, and from his enthusiastic admiration of the ancients, supposed to be warmly attached, not only to republican principles, but to the form of a commonwealth. Sir John Cochran of Ochiltree had fled his country on account of the transactions of 1683. His property and connexions were considerable, and he was supposed to possess extensive influence in Airshire and the adjacent counties.

Such were the persons of chief note among the Scottish emigrants. Among the English, by far the most remarkable was Ford, lord Grey of Wark. A scandalous love intrigue with his wife's sister had fixed a very deep stain upon his private character; nor were the circumstances attending this affair, which had all been brought to light in a court of justice, by any means calculated to extenuate his guilt. His ancient family, however, the extensive influence arising from his large possessions, his talents, which appear to have been very considerable, and above all, his hitherto unshaken fidelity in political attachments, and the general steadiness of his conduct in public life, might in some degree countervail the odium which he had incurred on account of his private vices. Of Matthews, Wade, and Aylöf, whose names are mentioned as having both joined the preliminary councils, and done actual service in the invasions, little is known by which curiosity could be either gratified or excited.

Richard Rumbold, on every account, merits more particular notice. He had formerly served in the republican armies; and adhering to the principles of liberty which he had imbibed in his youth, though nowise bigoted to the particular form of a commonwealth, had been deeply engaged in the politics of those who thought they saw an opportunity of rescuing their

country from the tyrannical government of the late king. He was one of the persons denounced in Keeling's narrative, and was accused of having conspired to assassinate the royal brothers in their road to Newmarket; an accusation belied by the whole tenour of his life and conduct, and which, if it had been true, would have proved him, who was never thought a weak or foolish man, to be as destitute of common sense as of honour and probity. It was pretended that the seizure of the princes was to take place at a farm called Rye House, which he occupied in Essex for the purposes of his trade as a maltster; and from this circumstance was derived the name of the Rye House plot. Conscious of having done some acts which the law, if even fairly interpreted and equitably administered, might deem criminal, and certain that many which he had not done would be both sworn and believed against him, he made his escape, and passed the remainder of Charles's reign in exile and obscurity; nor is his name, as far as I can learn, ever mentioned from the time of the Rye House plot to that of which we are now treating.

It is not to be understood that there were no other names upon the list of those who fled from the tyranny of the British government, or thought themselves unsafe in their native country, on account of its violence, besides those of the persons above mentioned, and of such as joined in their bold and hazardous enterprise. Another class of emigrants, not less sensible probably to the wrongs of their country, but less sanguine in their hopes of immediate redress, is ennobled by the names of Burnet the historian and Mr. Locke. It is difficult to accede to the opinion which the first of these seems to entertain, that though particular injustices had been committed, the misgovernment had not been of such a nature as to justify resistance by arms.<sup>1</sup> But the prudential reasons against resistance at that time were exceedingly strong; and there is no point in human concerns wherein the dictates of virtue and worldly prudence are so identified as in this great question of resistance by force to established government. Success, it has been invidiously remarked, constitutes in most instances the sole difference between the traitor and the

<sup>1</sup> Burnet, ii. 309.



deliverer of his country. A rational probability of success, it may be truly said, distinguishes the well-considered enterprise of the patriot, from the rash schemes of the disturber of the public peace. To command success is not in the power of man; but to deserve success, by choosing a proper time, as well as a proper object, by the prudence of his means, no less than by the purity of his views, by a cause not only intrinsically just, but likely to insure general support, is the indispensable duty of him who engages in an insurrection against an existing government. Upon this subject, the opinion of Ludlow, who, though often misled, appears to have been an honest and enlightened man, is striking and forcibly expressed. "We ought," says he, "to be very careful and circumspect in that particular, and at least be assured of very probable grounds to believe the power under which we engage to be sufficiently able to protect us in our undertaking; otherwise I should account myself not only guilty of my own blood, but also, in some measure, of the ruin and destruction of all those that I should induce to engage with me, though the cause were never so just."<sup>1</sup> Reasons of this nature, mixed more or less with considerations of personal caution, and in some, perhaps, with dislike and distrust of the leaders, induced many, who could not but abhor the British government, to wait for better opportunities, and to prefer either submission at home, or exile, to an undertaking which, if not hopeless, must have been deemed (by all) hazardous in the extreme.

In the situations in which these two noblemen, Argyle and Monmouth, were placed, it is not to be wondered at if they were naturally willing to enter into any plan, by which they might restore themselves to their country; nor can it be doubted but they honestly conceived their success to be intimately connected with the welfare, and especially with the liberty of the several kingdoms to which they respectively belonged. Monmouth, whether because he had begun at this time, as he himself said, to wean his mind from ambition,<sup>2</sup> or from the observations he had made upon the apparently rapid turn which had taken place in the minds of the Eng-

<sup>1</sup> Ludlow's Memoirs, p. 235.

<sup>2</sup> Vide his letter in Welwood's Memoirs, and in Ralph, i. 953.

lish people, seems to have been very averse to rash counsels, and to have thought that all attempts against James ought at least to be deferred till some more favourable opportunity should present itself. So far from esteeming his chance of success the better, on account of there being in James's parliament many members who had voted for the exclusion bill, he considered that circumstance as unfavourable. These men, of whom, however, he seems to have over-rated the number, would, in his opinion, be more eager than others to recover the ground they had lost, by an extraordinary show of zeal and attachment to the crown. But if Monmouth was inclined to dilatory counsels, far different were the views and designs of other exiles, who had been obliged to leave their country on account of their having engaged, if not with him personally, at least in the same cause with him, and who were naturally enough his advisers. Among these were lord Grey of Wark and Ferguson; though the latter afterwards denied his having had much intercourse with the duke, and the former, in his Narrative,<sup>1</sup> insinuates that he rather dissuaded than pressed the invasion.

But if Monmouth was inclined to delay, Argyle seems, on the other hand, to have been impatient in the extreme to bring matters to a crisis, and was of course anxious that the attempt upon England should be made in co-operation with his upon Scotland. Ralph, an historian of great acuteness as well as diligence, but who falls sometimes into the common error of judging too much from the event, seems to think this impatience wholly unaccountable; but Argyle may have had many motives which are now unknown to us. He may not improbably have foreseen, that the friendly terms upon which James and the prince of Orange affected at least to be, one with the other, might make his stay in the United Provinces impracticable, and that, if obliged to seek another asylum, not only he might have been deprived, in some measure, of the resources which he derived from his connexions at Amsterdam, but that the very circumstance of

<sup>1</sup> It is, however, notorious that he did press Monmouth very much; and this circumstance, if any were wanting, would sufficiently prove that his Narrative is very little to be relied upon, in any point where he conceived the falsification of a fact might serve him with the king, upon whose mercy his life at that time depended.

his having been publicly discountenanced by the prince of Orange and the States-general, might discredit his enterprise. His eagerness for action may possibly have proceeded from the most laudable motives, his sensibility to the horrors which his countrymen were daily and hourly suffering, and his ardour to relieve them. The dreadful state of Scotland, while it affords so honourable an explanation of his impatience, seems to account also, in a great measure, for his acting against the common notions of prudence, in making his attack without any previous concert with those whom he expected to join him there. That this was his view of the matter is plain, as we are informed by Burnet that he depended not only on an army of his own clan and vassals, but that he took it for granted that the western and southern counties would all at once come about him, when he had gathered a good force together in his own country; and surely such an expectation, when we reflect upon the situation of those counties, was by no means unreasonable.

Argyle's counsel, backed by lord Grey and the rest of Monmouth's advisers, and opposed by none except Fletcher of Saltoun, to whom some add captain Matthews, prevailed, and it was agreed to invade immediately and at one time the two kingdoms. Monmouth had raised some money from his jewels, and Argyle had a loan of ten thousand pounds from a rich widow in Amsterdam. With these resources, such as they were, ships and arms were provided, and Argyle sailed from Vly on the 2nd of May, with three small vessels, accompanied by sir Patrick Hume, sir John Cochrane, a few more Scotch gentlemen, and by two Englishmen, Ayloff, a nephew by marriage to lord chancellor Clarendon, and Rumbold, the maltster, who had been accused of being principally concerned in that conspiracy which, from his farm in Essex, where it was pretended Charles II. was to have been intercepted in his way from Newmarket, and assassinated, had been called the Rye House plot.<sup>1</sup> Sir Patrick Hume is said to have advised the shortest passage in order

<sup>1</sup> The detailed account of the exiles from England and Scotland (pages 384, 5) was inserted in the work by Mr. Fox, after this passage was written.—As it is there introduced, Mr. Fox would, no doubt, have erased the repetition of it; but it has been the object of the editor to preserve scrupulously the words of the MS.—ED.



to come more unexpectedly upon the enemy; but Argyle, who is represented as remarkably tenacious of his own opinions, persisted in his plan of sailing round the north of Scotland, as well for the purpose of landing at once among his own vassals, as for that of being nearer to the western counties, which had been most severely oppressed, and from which, of course, he expected most assistance. Each of these plans had no doubt its peculiar advantages; but, as far as we can judge at this distance of time, those belonging to the earl's scheme seem to preponderate; for the force he carried with him was certainly not sufficient to enable him, by striking any decisive stroke, to avail himself even of the most unprepared state in which he could hope to find the king's government. As he must therefore depend entirely upon reinforcements from the country, it seemed reasonable to make for that part where succour was most likely to be obtained, even at the hazard of incurring the disadvantage which must evidently result from the enemy's having early notice of his attack, and consequently proportionable time for defence.

Unfortunately, this hazard was converted into a certainty by his sending some men on shore in the Orkneys. Two of these, Spence and Blackadder, were seized at Kirkwall by the bishop of the diocese, and sent up prisoners to Edinburgh, by which means the government was not only satisfied of the reality of the intended invasion, of which, however, they had before had some intimation,<sup>1</sup> but could guess with a reasonable certainty the part of the coast where the descent was to take place, for Argyle could not possibly have sailed so far to the north with any other view than that of making his landing either on his own estate, or in some of the western counties. Among the numberless charges of imprudence against the unfortunate Argyle, charges too often inconsiderately urged against him who fails in any enterprise of moment, that which is founded upon the circumstance just mentioned appears to me to be the most weighty, though it is that which is the least mentioned, and by no author, as far as I recollect, much enforced. If the landing in the north was merely for the purpose of gaining intelligence respecting the disposition of

<sup>1</sup> Burnet, ii. 313. Woodrow, ii. 513.

the country, or for the more frivolous object of making some few prisoners, it was indeed imprudent in the highest degree. That prisoners, such as were likely to be taken on this occasion, should have been a consideration with any man of common sense is impossible. The desire of gaining intelligence concerning the disposition of the people was indeed a natural curiosity; but it would be a strong instance of that impatience which has been often alleged, though in no other case proved, to have been part of the earl's character, if, for the sake of gratifying such a desire, he gave the enemy any important advantage. Of the intelligence which he sought thus eagerly, it was evident that he could not in that place and at that time make any immediate use; whereas, of that which he afforded his enemies, they could and did avail themselves against him. The most favourable account of this proceeding, and which seems to deserve most credit, is that having missed the proper passage through the Orkney islands, he thought proper to send on shore for pilots, and that Spence very imprudently took the opportunity of going to confer with a relation at Kirkwall;<sup>1</sup> but it is to be remarked that it was not necessary, for the purpose of getting pilots, to employ men of note, such as Blackadder and Spence, the latter of whom was the earl's secretary; and that it was an unpardonable neglect not to give the strictest injunctions to those who were employed against going a step further into the country than was absolutely necessary.

Argyle, with his wonted generosity of spirit, was at first determined to lay siege to Kirkwall, in order to recover his friends; but partly by the dissuasions of his followers, and still more by the objections made by the masters of the ships, to a delay which might make them lose the favourable winds for their intended voyage, he was induced to prosecute his course.<sup>2</sup> In the mean time the government made the use that it was obvious they would make of the information they had obtained, and when the earl arrived at his destination he learned that considerable forces were got together to repel any attack that he might meditate. Being prevented by contrary winds from reaching the isle of Islay, where he had purposed to make his first landing, he sailed back to Dun-

<sup>1</sup> Woodrow, ii. 513.

<sup>2</sup> Ib. 531.

stafnage in Lorn, and there sent ashore his son, Mr. Charles Campbell, to engage his tenants and other friends and dependants of his family, to rise in his behalf; but even there he found less encouragement and assistance than he had expected, and the laird of Lochniel, who gave him the best assurances, treacherously betrayed him, sent his letter to the government, and joined the royal forces under the marquis of Athol. He then proceeded southwards, and landed at Campbelltown in Kintyre, where his first step was to publish his declaration, which appears to have produced little or no effect.

This bad beginning served, as is usual in such adventures, rather to widen than to reconcile the differences which had early begun to manifest themselves between the leader and his followers. Hume and Cochrane, partly construing perhaps too sanguinely the intelligence which was received from Ayrshire, Galloway, and the other Lowland districts in that quarter, partly from an expectation that where the oppression had been most grievous, the revolt would be proportionably the more general, were against any stay, or as they termed it, loss of time in the Highlands, but were for proceeding at once, weak as they were in point of numbers, to a country where every man endowed with the common feelings of human nature, must be their well-wisher, every man of spirit their coadjutor. Argyle, on the contrary, who probably considered the discouraging accounts from the Lowlands as positive and distinct, while those which were deemed more favourable appeared to him to be at least uncertain and provisional, thought the most prudent plan was, to strengthen himself in his own country, before he attempted the invasion of provinces where the enemy was so well prepared to receive him. He had hopes of gaining time, not only to increase his own army, but to avail himself of the duke of Monmouth's intended invasion of England, an event which must obviously have great influence upon his affairs, and which, if he could but maintain himself in a situation to profit by it, might be productive of advantages of an importance and extent of which no man could presume to calculate the limits. Of these two contrary opinions, it may be difficult at this time of day to appreciate the value, seeing that so much depends upon the degree of credit due to the different accounts from



the Lowland counties, of which our imperfect information does not enable us to form any accurate judgment. But even though we should not decide absolutely in favour of the cogency of these reasonings which influenced the chief, it must surely be admitted,—that there was at least sufficient probability in them to account for his not immediately giving way to those of his followers, and to rescue his memory from the reproach of any uncommon obstinacy, or of carrying things,—as Burnet phrases it,—with an air of authority that was not easy to men who were setting up for liberty. On the other hand, it may be more difficult to exculpate the gentlemen engaged with Argyle, for not acquiescing more cheerfully, and not entering more cordially into the views of a man whom they had chosen for their leader and general; of whose honour they had no doubt,—and whose opinion,—even those who dissented from him must confess to be formed upon no light or trivial grounds.

The differences upon the general scheme of attack led, of course, to others upon points of detail. Upon every projected expedition there appeared a contrariety of sentiment, which on some occasions produced the most violent disputes. The earl was often thwarted in his plans,—and in one instance actually over-ruled by the vote of a council of war. Nor were these divisions, which might of themselves be deemed sufficient to mar an enterprise of this nature, the only adverse circumstances which Argyle had to encounter. By the forward state of preparation on the part of the government, its friends were emboldened; its enemies, whose spirit had been already broken by a long series of sufferings, were completely intimidated, and men of fickle and time-serving dispositions were fixed in its interests. Add to all this, that where spirit was not wanting, it was accompanied with a degree and species of perversity wholly inexplicable, and which can hardly gain belief from any one, whose experience has not made him acquainted with the extreme difficulty of persuading men who pride themselves upon an extravagant love of liberty,—rather to compromise upon some points with those who have in the main the same views with themselves, than to give power (a power which will infallibly be used for their own destruction) to an adversary of principles diametrically opposite; in other words, rather to concede something

to a friend, than everything to an enemy. Hence, those even whose situation was the most desperate, who were either wandering about the fields, or seeking refuge in rocks and caverns, from the authorized assassins who were on every side pursuing them, did not all join in Argyle's cause with that frankness and cordiality which was to be expected. The various schisms which had existed among different classes of presbyterians, were still fresh in their memory. Not even the persecution to which they had been in common, and almost indiscriminately subjected, had reunited them. According to a most expressive phrase of an eminent minister of their church, who sincerely lamented their disunion:—the furnace had not yet healed the rents and breaches among them.<sup>1</sup> Some doubted whether, short of establishing all the doctrines preached by Cargill and Cameron,—there was anything worth contending for; while others,—still further gone in enthusiasm,—set no value upon liberty, or even life itself, if they were to be preserved by the means of a nobleman, who had, as well by his services to Charles the Second, as by other instances,—been guilty in the former parts of his conduct of what they termed unlawful compliances.

Perplexed, no doubt, but not dismayed, by these difficulties, the earl proceeded to Tarbet, which he had fixed as the place of rendezvous, and there issued a second declaration, (that which has been mentioned as having been laid before the house of commons,) with as little effect as the first. He was joined by sir Duncan Campbell, who alone, of all his kinsmen, seems to have afforded him any material assistance, and who brought with him nearly a thousand men; but even with this important reinforcement,—his whole army does not appear to have exceeded two thousand. It was here that he was over-ruled by a council of war, when he proposed marching to Inverary; and after much debate, so far was he from being so self-willed as he is represented, that he consented to go over with his army to that part of Argyleshire called Cowal, and that sir John Cochrane should make an attempt upon the Lowlands; and he sent with him major Fullarton, one of the officers in whom he most trusted, and who appears to have best deserved his confidence. This expedition could

*issued at  
Campbell's  
in 1685  
ant. p. 39*

<sup>1</sup> Woodrow, ii. 530.

not land in Ayrshire, where it had at first been intended, owing to the appearance of two king's frigates, which had been sent into those seas; and when it did land near Greenock, no other advantage was derived from it than the procuring from the town a very small supply of provisions.<sup>1</sup>

When Cochrane, with his detachment, returned to Cowal, all hopes of success in the Lowlands seemed, for the present at least, to be at an end, and Argyle's original plan was now necessarily adopted, though under circumstances greatly disadvantageous. Among these the most important was, the approach of the frigates, which obliged the earl to place his ships under the protection of the castle of Ellengreg, which he fortified and garrisoned as well as his contracted means would permit. Yet even in this situation, deprived of the co-operation of his little fleet, as well as of that part of his force which he left to defend it, being well seconded by the spirit and activity of Rumbold, who had seized the castle of Ardinglass, near the head of Loch Fin, he was not without hopes of success in his main enterprise against Inverary, when he was called back to Ellengreg, by intelligence of fresh discontents having broken out there, upon the nearer approach of the frigates. Some of the most dissatisfied had even threatened to leave both castle and ships to their fate; nor did the appearance of the earl himself by any means bring with it that degree of authority which was requisite in such a juncture. His first motion was to disregard the superior force of the men of war, and to engage them with his small fleet; but he soon discovered that he was far indeed from being furnished with the materials necessary to put in execution so bold, or, as it may possibly be thought, so romantic a resolution. His associates remonstrated, and a mutiny in his ships was predicted as a certain consequence of the attempt. Leaving, therefore, once more, Ellengreg with a garrison under the command of the laird of Lochness, and strict orders to destroy both ships and fortification, rather than suffer them to fall into the hands of the enemy, he marched towards Gareloch. But whether from the inadequacy of the provisions with which he was to supply it, or from cowardice, misconduct, or treachery, it does not appear,

<sup>1</sup> Woodrow.



the castle was soon evacuated without any proper measures being taken to execute the earl's orders, and the military stores in it to a considerable amount, as well as the ships which had no other defence, were abandoned to the king's forces.

This was a severe blow; and all hopes of acting according to the earl's plan of establishing himself strongly in Argyleshire, were now extinguished. He therefore consented to pass the Leven, a little above Dumbarton, and to march eastwards. In this march he was overtaken, at a place called Killerne, by lord Dumbarton, at the head of a large body of the king's troops; but he posted himself with so much skill and judgment, that Dumbarton thought it prudent to wait, at least till the ensuing morning, before he made his attack. Here, again, Argyle was for risking an engagement, and in his nearly desperate situation, it was probably his best chance, but his advice (for his repeated misfortunes had scarcely left him the shadow of command) was rejected.<sup>1</sup> On the other hand, a proposal was made to him, the most absurd as it should seem, that was ever suggested in similar circumstances, to pass the enemy in the night, and thus exposing his rear, to subject himself to the danger of being surrounded, for the sake of advancing he knew not whither, or for what purpose. To this he could not consent; and it was at last agreed to deceive the enemies by lighting fires, and to decamp in the night towards Glasgow. The first part of this plan was executed with success, and the army went off unperceived by the enemy; but in their night march, they were misled by the ignorance or the treachery of their guides, and fell into difficulties which would have caused some disorder among the most regular and best disciplined troops. In this case such disorder was fatal, and produced, as among men circumstanced as Argyle's were, it necessarily must, an almost general dispersion. Wandering among bogs and morasses, disheartened by fatigue, terrified by rumours of an approaching enemy, the darkness of the night aggravating at once every real distress, and adding terror to every vain alarm; in this situation, when even the bravest and the best (for according to one account Rumbold himself was missing for a time) were not

<sup>1</sup> Lord Fountainhall's Memoirs, MS. Woodrow, 536.

able to find their leaders, nor the corps to which they respectively belonged; it is no wonder that many took this opportunity to abandon a cause now become desperate, and to effect individually that escape which, as a body, they had no longer any hopes to accomplish.<sup>1</sup>

When the small remains of this ill-fated army got together, in the morning, at Kilpatrick, a place far distant from their destination, its number was reduced to less than five hundred. Argyle had lost all authority; nor indeed, had he retained any, does it appear that he could now have used it to any salutary purpose. The same bias which had influenced the two parties in the time of better hopes, and with regard to their early operations, still prevailed, now that they were driven to their last extremity. Sir Patrick Hume and sir John Cochrane would not stay even to reason the matter with him whom, at the onset of their expedition, they had engaged to obey, but crossed the Clyde, with such as would follow them, to the number of about two hundred,—into Renfrewshire.<sup>2</sup>

Argyle, thus deserted, and almost alone, still looked to his own country as the sole remaining hope, and sent off sir Duncan Campbell, with the two Duncansons, father and son, persons all three, by whom he seemed to have been served with the most exemplary zeal and fidelity,—to attempt new levies there. Having done this, and settled such means of correspondence as the state of affairs would permit, he repaired to the house of an old servant,—upon whose attachment he had relied for an asylum,—but was peremptorily denied entrance. Concealment in this part of the country seemed now impracticable, and he was forced at last to pass the Clyde, accompanied by the brave and faithful Fullarton. Upon coming to a ford of the Inchanon, they were stopped by some militia men. Fullarton used in vain,—all the best means which his presence of mind suggested to him, to save his general. He attempted one while by gentle, and then by harsher language, to detain the commander of the party till the earl, who was habited as a common countryman,—and whom he passed for his guide, should have made his escape. At last, when he saw them determined to go after his pretended guide, he offered to sur-

<sup>1</sup> Woodrow, ii. 535, 536.

<sup>2</sup> Ib. 535.

render himself without a blow, upon condition of their desisting from their pursuit. This agreement was accepted, but not adhered to, and two horsemen were detached to seize Argyle. The earl, who was also on horseback, grappled with them, till one of them and himself came to the ground. He then presented his pocket pistols, on which the two retired, but soon after five more came up, who fired without effect, and he thought himself like to get rid of them, but they knocked him down with their swords, and seized him. When they knew whom they had taken, they seemed much troubled, but dared not let him go.<sup>1</sup> Fullarton, perceiving that the stipulation on which he had surrendered himself was violated, and determined to defend himself to the last, or at least to wreak, before he fell, his just vengeance upon his perfidious opponents, grasped at the sword of one of them, but in vain; he was overpowered, and made prisoner.<sup>2</sup>

Argyle was immediately carried to Renfrew, thence to Glasgow, and on the 20th of June was led in triumph into Edinburgh. The order of the council was particular; that he should be led bareheaded in the midst of Graham's guards, with their matches cocked, his hands tied behind his back, and preceded by the common hangman, in which situation, that he might be more exposed to the insults and taunts of the vulgar, it was directed that he should be carried to the castle by a circuitous route.<sup>3</sup> To the equanimity with which he bore these indignities, as indeed to the manly spirit exhibited by him throughout, in these last scenes of his life, ample testimony is borne by all the historians who have treated of them, even those who are the least partial to him. He had frequent opportunities of conversing, and some of writing, during his imprisonment, and it is from such parts of these conversations and writings as have been preserved

<sup>1</sup> In my relation of the taking of Argyle's person, I have followed his own account, and mostly in his own words. As the authenticity of the paper written in prison, wherein he gives this account, has never been called in question, it seems strange that any historian should have adopted a different one. I take no notice of the story, by which he is made to exclaim, in falling, "Unfortunate Argyle!" and thus to discover himself. Besides that there is no authority for it, it has not the air of a real fact, but rather resembles a clumsy contrivance in some play, where the poet is put to his last shift for means to produce a discovery necessary to his plot.

<sup>2</sup> Woodrow, 536, 537.

<sup>3</sup> Ib. 538.



to us, that we can best form to ourselves a just notion of his deportment during that trying period; at the same time, a true representation of the temper of his mind in such circumstances will serve, in no small degree, to illustrate his general character and disposition.

We have already seen how he expresses himself with regard to the men, who, by taking him, became the immediate cause of his calamity.<sup>1</sup> He seems to feel a sort of gratitude to them for the sorrow he saw, or fancied he saw in them, when they knew who he was, and immediately suggests an excuse for them, by saying, that they did not dare to follow the impulse of their hearts. Speaking of the supineness of his countrymen, and of the little assistance he had received from them, he declares with his accustomed piety his resignation to the will of God, which was, that Scotland should not be delivered at this time, nor especially by his hand; and then exclaims, with the regret of a patriot, but with no bitterness of disappointment, "But alas! who is there to be delivered! There may," says he, "be hidden ones, but there appears no great party in the country who desire to be relieved."<sup>2</sup> Justice, in some degree, but still more, that warm affection for his own kindred and vassals, which seems to have formed a marked feature in this nobleman's character, then induces him to make an exception in favour of his poor friends in Argyleshire, in treating for whom, though in what particular way does not appear, he was employing, and with some hope of success, the few remaining hours of his life. In recounting the failure of his expedition, it is impossible for him not to touch upon what he deemed the misconduct of his friends; and this is the subject upon which, of all others, his temper must have been most irritable. A certain description of friends (the words describing them are omitted) were all of them, without exception, — his greatest enemies, both to betray and destroy him; and . . . . and . . . . (the names again omitted) were the greatest cause of his rout, and his being taken, though not designedly, he acknowledges, but by

<sup>1</sup> "As soon as they knew what I was, they seemed to be much troubled, but durst not let me go." Woodrow, 537. In another paper, he says, "Of the militia who wounded and took me, some wept, but durst not let me go." Id. 538. Supra, 205.—ED.

<sup>2</sup> Woodrow, 538.

ignorance, cowardice, and faction.<sup>1</sup> This sentence had scarce escaped him, when, notwithstanding the qualifying words with which his candour had acquitted the last-mentioned persons of intentional treachery, it appeared too harsh to his gentle nature, and declaring himself displeased with the hard epithets<sup>2</sup> he had used, he desires they may be put out of any account that is to be given of these transactions. The manner in which this request is worded, shows that the paper he was writing was intended for a letter, and as it is supposed, to a Mrs. Smith, who seems to have assisted him with money; but whether or not this lady was the rich widow of Amsterdam, before alluded to, I have not been able to learn.

When he is told that he is to be put to the torture, he neither breaks out into any high-sounding bravado, any premature vaunts of the resolution with which he will endure it, nor, on the other hand, into passionate exclamations on the cruelty of his enemies, or unmanly lamentations of his fate. After stating that orders were arrived, that he must be tortured, unless he answers all questions upon oath, he simply adds, that he hopes God will support him; and then leaves off writing, not from any want of spirits to proceed, but to enjoy the consolation which was yet left him, in the society of his wife, the countess being just then admitted.

Of his interview with Queensbury, who examined him in private, little is known, except that he denied his design having been concerted with any persons in Scotland; that he gave no information with respect to his associates in England; and that he boldly and frankly averred his hopes to have been founded on the cruelty of the administration, and such a dis-

<sup>1</sup> " . . . . . friends were our greatest enemies, all without exception, both to betray and destroy us; and indeed . . . . . and . . . . . were the greatest cause of our rout, and (of) my being taken; though not designedly, I acknowledge, yet by ignorance, cowardice, and faction."

<sup>2</sup> "I am not pleased with myself. I have such hard epithets of some of my countrymen, seeing they are Christians; pray put it out of any account you give; only I must acknowledge they were not governable, and the humour you found begun continued." Woodrow, ii. 538. After an ineffectual research to discover the original MS., Mr. Fox observes, in a letter, "*Cochrane* and *Hume* certainly filled up the two principal blanks; with respect to the other blank, it is more difficult, but neither is it very material." Accordingly, the blanks in the text, and in the preceding note, may be filled up thus, "(*Cochrane's*) friends were our greatest enemies," &c., "and indeed *Hume* and *Cochrane* were the greatest cause of our rout," &c.

position in the people to revolt, as he conceived to be the natural consequence of oppression. He owned at the same time, that he had trusted too much to this principle.<sup>1</sup> The precise date of this conversation, whether it took place before the threat of the torture, whilst that threat was impending, or when there was no longer any intention of putting it into execution, I have not been able to ascertain; but the probability seems to be, that it was during the first or second of these periods.

Notwithstanding the ill success that had attended his enterprise, he never expresses, or even hints, the smallest degree of contrition for having undertaken it: on the contrary, when Mr. Charteris, an eminent divine, is permitted to wait on him, his first caution to that minister is, not to try to convince him of the unlawfulness of his attempt, concerning which his opinion was settled, and his mind made up.<sup>2</sup> Of some parts of his past conduct he does indeed confess that he repents, but these are the compliances of which he had been guilty in support of the king, or his predecessors. Possibly in this he may allude to his having in his youth borne arms against the covenant, but with more likelihood to his concurrence, in the late reign, with some of the measures of Lauderdale's administration, for whom it is certain that he entertained a great regard, and to whom he conceived himself to be principally indebted for his escape from his first sentence. Friendship and gratitude might have carried him to lengths which patriotism and justice must condemn.

Religious concerns, in which he seems to have been very serious and sincere, engaged much of his thoughts; but his religion was of that genuine kind, which by representing the performance of our duties to our neighbour as the most acceptable service to God, strengthens all the charities of social life. While he anticipates, with a hope approaching to certainty, a happy futurity, he does not forget those who have been justly dear to him in this world. He writes, on the day of his execution, to his wife, and to some other relations, for whom he seems to have entertained a sort of parental tenderness, short but the most affectionate letters, wherein he gives them the greatest satisfaction then in his power, by assuring

<sup>1</sup> Burnet, ii. 315.

<sup>2</sup> Burnet.



them of his composure and tranquillity of mind, and refers them for further consolations to those sources from which he derived his own. In his letter to Mrs. Smith, written on the same day, he says, "While anything was a burden to me, your concern was; which is a cross greater than I can express," (alluding, probably, to the pecuniary loss she had incurred,) "but I have,—I thank God,—overcome all."<sup>1</sup> Her name, he adds, could not be concealed, and that he knows not what may have been discovered from any paper which may have been taken; otherwise he has named none to their disadvantage. He states that those in whose hands he is, had at first used him hardly, but that God had melted their hearts, and that he was now treated with civility. As an instance of this, he mentions the liberty he had obtained of sending this letter to her; a liberty which he takes as a kindness on their part, and which he had sought that she might not think he had forgotten her.

Never,—perhaps,—did a few sentences present so striking a picture of a mind truly virtuous and honourable. Heroic courage is the least part of his praise, and vanishes as it were from our sight, when we contemplate the sensibility with which he acknowledges the kindness,—such as it is,—of the very men who are leading him to the scaffold; the generous satisfaction which he feels on reflecting that no confession of his has endangered his associates; and above all, his anxiety, in such moments, to perform all the duties of friendship and gratitude, not only with the most scrupulous exactness, but with the most considerate attention to the feelings as well as to the interests of the person who was the object of them. Indeed, it seems throughout, to have been the peculiar felicity of this man's mind,—that everything was present to it that ought to be so; nothing that ought not. Of his country he could not be unmindful; and it was one among other consequences of his happy temper, that on this subject he did not entertain those gloomy ideas, which the then state of Scotland was but too well fitted to inspire. In a conversation with an intimate friend, he says, that though he does not take upon him to be a prophet, he doubts not but that deliverance will come, and suddenly, of which his failings had rendered him

<sup>1</sup> Woodrow, ii. 541, 542.

unworthy to be the instrument. In some verses which he composed on the night preceding his execution, and which he intended for his epitaph, he thus expresses this hope still more distinctly:

“ On my attempt though Providence did frown,  
His oppressed people God at length shall own;  
Another hand, by more successful speed,  
Shall raise the remnant, bruise the serpent's head.”

With respect to the epitaph itself, of which these lines form a part, it is probable that he composed it chiefly with a view to amuse and relieve his mind, fatigued with exertion, and partly, perhaps, in imitation of the famous marquis of Montrose, who, in similar circumstances, had written some verses which have been much celebrated. The poetical merit of the pieces appears to be nearly equal, and is not in either instance considerable, and they are only in so far valuable, as they may serve to convey to us some image of the minds by which they were produced. He who reads them with this view, will, perhaps, be of opinion, that the spirit manifested in the two compositions, is rather equal in degree than like in character; that the courage of Montrose was more turbulent, that of Argyle more calm and sedate. If, on the one hand, it is to be regretted that we have not more memorials left of passages so interesting, and that even of those which we do possess, a great part is obscured by time, it must be confessed, on the other, that we have quite enough to enable us to pronounce, that for constancy and equanimity under the severest trials, few men have equalled, none ever surpassed, the earl of Argyle. The most powerful of all tempters, hope, was not held out to him, so that he had not, it is true, in addition to his other hard tasks, that of resisting her seductive influence; but the passions of a different class had the fullest scope for their attacks. These, however, could make no impression on his well-disciplined mind. Anger could not exasperate, fear could not appal him; and if disappointment and indignation at the misbehaviour of his followers, and the supineness of the country, did occasionally, as sure they must, cause uneasy sensations, they had not the power to extort from him one unbecoming, or even querulous expression. Let him be weighed never so scrupulously, and in the nicest

scales, he will not be found, in a single instance, wanting in the charity of a Christian, the firmness and benevolence of a patriot, the integrity and fidelity of a man of honour.

The Scotch parliament had, on the 11th of June, sent an address to the king, wherein, after praising his majesty, as usual, for his extraordinary prudence, courage, and conduct, and loading Argyle, whom they styled an hereditary traitor, with every reproach they can devise, among others, that of ingratitude for the favours which he had received, as well from his majesty as from his predecessor, they implore his majesty that the earl may find no favour, and that the earl's family, the heritors, ringleaders, and preachers who joined him, should be for ever declared incapable of mercy, or bearing any honour or estate in the kingdom, and all subjects discharged under the highest pains to intercede for them in any manner of way. Never was address more graciously received, or more readily complied with; and, accordingly, the following letter, with the royal signature, and countersigned by lord Melford, secretary of state for Scotland, was dispatched to the council at Edinburgh, and by them entered and registered on the 29th of June.

“Whereas, the late earl of Argyle is, by the providence of God, fallen into our power, it is our will and pleasure that you take all ways to know from him those things which concern our government most,—as his assisters with men, arms, and money, his associates and correspondents, his designs, &c. But this must be done, so as no time may be lost in bringing him to condign punishment, by causing him to be demeaned as a traitor, within the space of three days after this shall come to your hands, an account of which, with what he shall confess, you shall send immediately to us or our secretaries, for doing which this shall be your warrant.”<sup>1</sup>

When it is recollected that torture had been in common use in Scotland, and that the persons to whom the letter was addressed had often caused it to be inflicted, the words “It is our will and pleasure that you take all ways,” seem to convey a positive command for applying of it in this instance; yet it is certain that Argyle was not tortured. What was the cause of this seeming disregard of the royal injunctions does

<sup>1</sup> Woodrow, ii. 539.



not appear. One would hope,—for the honour of human nature,—that James, struck with some compunction for the injuries he had already heaped upon the head of this unfortunate nobleman, sent some private orders contradictory to this public letter; but there is no trace to be discovered of such a circumstance. The managers themselves might feel a sympathy for a man of their own rank, which had no influence in the cases where only persons of an inferior station were to be the sufferers; and in those words of the king's letter, which enjoin a speedy punishment as the primary object to which all others must give way, they might find a pretext for overlooking the most odious part of the order, and of indulging their humanity,—such as it was,—by appointing the earliest day possible for the execution. In order that the triumph of injustice might be complete, it was determined that, without any new trial, the earl should suffer upon the iniquitous sentence of 1682. Accordingly, the very next day ensuing was appointed, and on the 13th of June he was brought from the castle, first to the Laigh Council-house, and thence to the place of execution.

Before he left the castle, he had his dinner at the usual hour, at which he discoursed, not only calmly, but even cheerfully, with Mr. Charteris and others. After dinner he retired, as was his custom, to his bed-chamber, where,—it is recorded,—that he slept quietly for about a quarter of an hour. While he was in his bed, one of the members of the council came and intimated to the attendants a desire to speak with him: upon being told that the earl was asleep, and had left orders not to be disturbed, the manager disbelieved the account, which he considered as a device to avoid further questionings. To satisfy him, the door of the bed-chamber was half opened, and he then beheld, enjoying a sweet and tranquil slumber, the man, who by the doom of him and his fellows, was to die within the space of two short hours! Struck with this sight, he hurried out of the room, quitted the castle with the utmost precipitation, and hid himself in the lodgings of an acquaintance who lived near, where he flung himself upon the first bed that presented itself,—and had every appearance of a man suffering the most excruciating torture. His friend, who had been apprised by the servant of the state he was in, and who naturally concluded that he was ill, offered him

some wine. He refused, saying, "No, no, that will not help me: I have been in at Argyle, and saw him sleeping as pleasantly as ever man did, within an hour of eternity. But as for me——"<sup>1</sup> The name of the person to whom this anecdote relates is not mentioned, and the truth of it may therefore be fairly considered as liable to that degree of doubt with which men of judgment receive every species of traditional history. Woodrow, however, whose veracity is above suspicion, says he had it from the most unquestionable authority. It is not in itself unlikely; and who is there that would not wish it true? What a satisfactory spectacle to a philosophical mind, to see the oppressor, in the zenith of his power, envying his victim! What an acknowledgment of the superiority of virtue! What an affecting and forcible testimony to the value of that peace of mind, which innocence alone can confer! We know not who this man was; but when we reflect that the guilt which agonized him was probably incurred for the sake of some vain title, or, at least, of some increase of wealth, which he did not want, and possibly knew not how to enjoy, our disgust is turned into something like compassion for that very foolish class of men, whom the world calls wise in their generation.

Soon after his short repose Argyle was brought, according to order, to the Laigh Council-house, from which place is dated the letter to his wife, and thence to the place of execution. On the scaffold he had some discourse, as well with Mr. Annand, a minister appointed by government to attend him, as with Mr. Charteris. He desired both of them to pray for him, and prayed himself with much fervency and devotion. The speech which he made to the people was such as might be expected from the passages already related. The same mixture of firmness and mildness is conspicuous in every part of it. "We ought not," says he, "to despise our afflictions, nor to faint under them. We must not suffer ourselves to be exasperated against the instruments of our troubles, nor by fraudulent, nor pusillanimous compliances, bring guilt upon ourselves; faint hearts are ordinarily false hearts, choosing sin, rather than suffering." He offers his prayers to God for the three kingdoms of England, Scotland,

<sup>1</sup> Woodrow, ii. 541.

and Ireland, and that an end may be put to their present trials. Having then asked pardon for his own failings, both of God and man, he would have concluded; but being reminded that he had said nothing of the royal family, he adds, that he refers, in this matter, to what he had said at his trial concerning the test; that he prayed there never might be wanting one of the royal family to support the protestant religion; and if any of them had swerved from the true faith, he prayed God to turn their hearts, but, at any rate, to save his people from their machinations. When he had ended, he turned to the south side of the scaffold, and said, "Gentlemen, I pray you do not misconstrue my behaviour this day: I freely forgive all men their wrongs and injuries done against me, as I desire to be forgiven of God." Mr. Annand repeated these words louder to the people. The earl then went to the north side of the scaffold, and used the same or the like expressions. Mr. Annand repeated them again, and said, "This nobleman dies a protestant." The earl stepped forward again, and said, "I die not only a protestant, but with a heart-hatred of popery, prelacy, and all superstition whatsoever."<sup>1</sup> It would perhaps have been better if these last expressions had never been uttered, as there appears certainly something of violence in them unsuitable to the general tenor of his language; but it must be remembered, first, that the opinion that the pope is anti-christ was at that time general among almost all the zealous protestants in these kingdoms; secondly, that Annand, being employed by government, and probably an episcopalian, the earl might apprehend that the declaration of such a minister might not convey the precise idea, which he, Argyle, affixed to the word protestant.

He then embraced his friends, gave some tokens of remembrance to his son-in-law, lord Maitland, for his daughter and grandchildren, stripped himself of part of his apparel, of which he likewise made presents, and laid his head upon the block. Having uttered a short prayer, he gave the signal to the executioner, which was instantly obeyed, and his head severed from his body.<sup>2</sup> Such were the last hours, and such the final close, of this great man's life. May the like happy serenity in such dreadful circumstances, and a death equally

<sup>1</sup> Woodrow, 543, 545.

<sup>2</sup> Ib.



glorious, be the lot of all whom tyranny, of whatever denomination or description, shall in any age, or in any country, call to expiate their virtues on the scaffold!

Of the followers of Argyle, in the disastrous expedition above recounted, the fortunes were various. Among those who either surrendered or were taken, some suffered the same fate with their commander, others were pardoned; while, on the other hand, of those who escaped to foreign parts, many after a short exile returned triumphantly to their country at the period of the revolution, and under a system congenial to their principles, some even attained the highest honours of the state. It is to be recollected, that when, after the disastrous night-march from Killerne, a separation took place at Kilpatrick between Argyle and his confederates, sir John Cochrane, sir Patrick Hume, and others, crossed the Clyde into Renfrewshire, with about, it is supposed, two hundred men. Upon their landing, they met with some opposition from a troop of militia horse, which was, however, feeble and ineffectual; but fresh parties of militia, as well as regular troops drawing together, a sort of scuffle ensued, near a place called Muirdyke; an offer of quarter was made by the king's troops, but (probably on account of the conditions annexed to it) was refused; and Cochrane and the rest, now reduced to the number of seventy, took shelter in a fold-dyke, where they were able to resist and repel, though not without loss on each side, the attack of the enemy. Their situation was nevertheless still desperate, and in the night they determined to make their escape. The king's troops having retired, this was effected without difficulty; and this remnant of an army being dispersed by common consent, every man sought his own safety in the best manner he could. Sir John Cochrane took refuge in the house of an uncle, by whom, or by whose wife, it is said, he was betrayed. He was, however, pardoned; and from this circumstance, coupled with the constant and seemingly peevish opposition which he gave to almost all Argyle's plans, a suspicion has arisen, that he had been treacherous throughout. But the account given of his pardon by Burnet, who says his father, lord Dundonald, who was an opulent nobleman, purchased it with a considerable sum of money,<sup>1</sup> is more credible, as well as more candid; and it

<sup>1</sup> Burnet, ii. 316.

must be remembered, that in sir John's disputes with his general, he was almost always acting in conjunction with sir Patrick Hume, who is proved, by the subsequent events, and indeed by the whole tenour of his life and conduct, to have been uniformly sincere and zealous in the cause of his country. Cochrane was sent to England, where he had an interview with the king, and gave such answers to the questions put to him, as were deemed satisfactory by his majesty; and the information thus obtained, whatever might be the real and secret causes, furnished a plausible pretence at least for the exercise of royal mercy. Sir Patrick Hume, after having concealed himself some time in the house, and under the protection, of lady Eleanor Dunbar, sister to the earl of Eglington, found means to escape to Holland, whence he returned in better times, and was created first lord Hume of Polwarth, and afterward earl of Marchmont. Fullarton, and Campbell of Auchinbreak, appear to have escaped, but by what means is not known. Two sons of Argyle, John and Charles, and Archibald Campbell, his nephew, were sentenced to death and forfeiture, but the capital part of the sentence was remitted. Thomas Archer, a clergyman, who had been wounded at Muirdyke, was executed, notwithstanding many applications in his favour, among which was one from lord Drumlanrig, Queensbury's eldest son. Woodrow, who was himself a presbyterian minister, and though a most valuable and correct historian, was not without a tincture of the prejudices belonging to his order, attributes the unrelenting spirit of the government in this instance, to their malice against the clergy of his sect. Some of the holy ministry, he observes, as Guthrie at the restoration, Kidd and Mackail after the insurrections at Pentland and Bothwell Bridge, and now Archer, were upon every occasion to be sacrificed to the fury of the persecutors.<sup>1</sup> But to him who is well acquainted with the history of this period, the habitual cruelty of the government will fully account for any particular act of severity; and it is only in cases of lenity—such as that of Cochrane, for instance—that he will look for some hidden or special motive.

Ayloff, having in vain attempted to kill himself, was, like

<sup>1</sup> Woodrow, 553.

Cochrane, sent to London to be examined. His relationship to the king's first wife might perhaps be one inducement to this measure, or it might be thought more expedient that he should be executed for the Rye House plot, the credit of which it was a favourite object of the court to uphold, than for his recent acts of rebellion in Scotland. Upon his examination he refused to give any information, and suffered death upon a sentence of outlawry, which had passed in the former reign. It is recorded, that James interrogated him personally, and finding him sullen, and unwilling to speak, said: "Mr. Ayloff, you know it is in my power to pardon you, therefore say that which may deserve it:" to which Ayloff replied: "Though it is in your power, it is not in your nature to pardon." This, however, is one of those anecdotes, which is believed rather on account of the air of nature that belongs to them, than upon any very good traditional authority, and which ought, therefore, when any very material inference, with respect either to fact or character, is to be drawn from them, to be received with great caution.

Rumbold, covered with wounds, and defending himself with uncommon exertions of strength and courage, was at last taken. However desirable it might have been thought, to execute in England a man so deeply implicated in the Rye House plot, the state of Rumbold's health made such a project impracticable. Had it been attempted, he would probably, by a natural death, have disappointed the views of a government who were eager to see brought to the block, a man whom they thought, or pretended to think, guilty of having projected the assassination of the late and present king. Weakened as he was in body, his mind was firm, his constancy unshaken; and notwithstanding some endeavours that were made, by drums and other instruments, to drown his voice when he was addressing the people from the scaffold, enough has been preserved of what he then uttered, to satisfy us, that his personal courage, the praise of which has not been denied him, was not of the vulgar or constitutional kind, but was accompanied with a proportionable vigour of mind. Upon hearing his sentence, whether in imitation of Montrose, or from that congeniality of character, which causes men in similar circumstances to conceive similar sentiments, he expressed the same wish which that gallant nobleman had



done; he wished he had a limb for every town in Christendom. With respect to the intended assassination imputed to him, he protested his innocence, and desired to be believed upon the faith of a dying man; adding, in terms as natural as they are forcibly descriptive of a conscious dignity of character, that he was too well known, for any to have had the imprudence to make such a proposition to him. He concluded with plain, and apparently sincere, declarations of his undiminished attachment to the principles of liberty, civil and religious; denied that he was an enemy to monarchy, affirming, on the contrary, that he considered it, when properly limited, as the most eligible form of government; but that he never could believe that any man was born marked by God above another, "for none comes into the world with a saddle on his back, neither any bootied and spurred to ride him."<sup>1</sup>

Except by Ralph, who, with a warmth that does honour to his feelings, expatiates at some length upon the subject, the circumstances attending the death of this extraordinary man have been little noticed. Rapin, Echard, Kennet, Hume, make no mention of them whatever; and yet, exclusively of the interest always excited by any great display of spirit and magnanimity, his solemn denial of the project of assassination imputed to him in the affair of the Rye House plot, is in itself a fact of great importance, and one which might have been expected to attract, in no small degree, the attention of the historian. That Hume, who has taken some pains in canvassing the degree of credit due to the different parts of the Rye House plot, should pass it over in silence, is the more extraordinary, because, in the case of the popish plot, he lays, and justly lays, the greatest stress upon the dying declarations of the sufferers. Burnet adverts, as well to the peculiar language used by Rumbold, as to his denial of the assassination; but having before given us to understand that he believed that no such crime had been projected, it is the less to be wondered at that he does not much dwell upon this further evidence in favour of his former opinion. Sir John Dalrymple, upon the authority of a paper which he does not produce, but from which he quotes enough to show, that if produced it would not answer his purpose, takes Rumbold's guilt for a

<sup>1</sup> Ralph, i. 872.

decided fact, and then states his dying protestations of his innocence,—as an instance of aggravated wickedness.<sup>1</sup> It is to be remarked, too, that although sir John is pleased roundly to assert, that Rumbold denied the share he had had in the Rye House plot, yet the particular words which he cites neither contain, nor express, nor imply any such denial. He has not even selected those by which the design of assassination was denied, (the only denial that was uttered,) but refers to a general declaration made by Rumbold,—that he had done injustice to no man—a declaration which was by no means inconsistent with his having been a party to a plot, which he, no doubt, considered as justifiable, and even meritorious. This is not all: the paper referred to is addressed to Walcot, by whom Rumbold states himself to have been led on; and Walcot,—with his last breath,—denied his own participation in any design to murder either Charles or James. Thus, therefore, whether the declaration of the sufferer be interpreted in a general or in a particular sense,—there is no contradiction whatever between it and the paper adduced; but thus it is that the character of a brave and, as far as appears, a virtuous man, is most unjustly and cruelly traduced. An incredible confusion of head, and an uncommon want of reasoning powers, which distinguish the author to whom I refer, are, I should charitably hope, the true sources of his misrepresentation; while others may probably impute it to his desire of blackening,—upon any pretence,—a person whose name is more or less connected with those of Sidney and Russell. It ought not, perhaps, to pass without observation, that this attack upon Rumbold is introduced only in an oblique manner: the rigour of government destroyed,—says the historian,—the morals it intended to correct, and made the unhappy sufferer add to his former crimes, the atrocity of declaring a falsehood in his last moments. Now, what particular instances of rigour are here alluded to, it is difficult to guess: for surely the execution of a man whom he sets down as guilty of a design to murder the two royal brothers, could not, even in the judgment of persons much less accustomed than sir John to palliate the crimes of princes, be looked upon as an act of blameable severity; but it was thought, perhaps, that for the purpose of

<sup>1</sup> Dalrymple's Memoirs, i. 141.

conveying a calumny upon the persons concerned, or accused of being concerned, in the Rye House plot, an affected censure upon the government would be the fittest vehicle.

The fact itself, that Rumbold did, in his last hours, solemnly deny the having been concerned in any project for assassinating the king or duke, has not, I believe, been questioned.<sup>1</sup> It is not invalidated by the silence of some historians: it is confirmed by the misrepresentation of others. The first question that naturally presents itself, must be, was this declaration true? The asseverations of dying men have always had, and will always have, great influence upon the minds of those who do not push their ill opinion of mankind to the most outrageous and unwarrantable length; but though the weight of such asseverations be in all cases great, it will not be in all equal. It is material therefore to consider, first, what are the circumstances which may tend in particular cases to diminish their credit; and next, how far such circumstances appear to have existed in the case before us. The case where this species of evidence would be the least convincing, would be where hope of pardon is entertained; for then the man is not a dying man in the sense of the proposition, for he has not that certainty that his falsehood will not avail him, which is the principal foundation of the credit due to his assertions. For the same reason, though in a less degree, he who hopes for favour to his children, or to other surviving connexions, is to be listened to with some caution; for the existence of one virtue does not necessarily prove that of another, and he who loves his children and friends may yet be profligate and unprincipled; or, deceiving himself, may think that while his ends are laudable, he ought not to hesitate concerning the means. Beside these more obvious temptations to prevarication, there is another which, though it may lie somewhat deeper, yet experience teaches us to be rooted in human nature: I mean that sort of obstinacy, or false shame, which makes men so unwilling to retract what they have once advanced, whether in matter of opinion or of fact. The general character of the man is also in this, as in all other human testimony, a circumstance of the greatest moment.

<sup>1</sup> It is confirmed beyond contradiction by lord Fountainhall's account of his trial and execution.



Where none of the above mentioned objections occur, and where therefore the weight of evidence in question is confessedly considerable, yet is it still liable to be balanced or outweighed by evidence in the opposite scale.

Let Rumbold's declaration, then, be examined upon these principles, and we shall find that it has every character of truth, without a single circumstance to discredit it. He was so far from entertaining any hope of pardon, that he did not seem even to wish it; and indeed if he had had any such chimerical object in view, he must have known that to have supplied the government with a proof of the Rye House assassination plot, would be a more likely road at least, than a steady denial, to obtain it. He left none behind him for whom to entreat favour, or whose welfare or honour were at all affected by any confession or declaration he might make. If, in a prospective view, he was without temptation, so neither, if he looked back, was he fettered by any former declaration; so that he could not be influenced by that erroneous notion of consistency, to which, it may be feared, that truth, even in the most awful moments, has in some cases been sacrificed. His timely escape in 1683, had saved him from the necessity of making any protestation upon the subject of his innocence at that time; and the words of the letter to Walcot are so far from containing such a protestation, that they are quoted (very absurdly, it is true,) by sir John Dalrymple, as an avowal of guilt. If his testimony is free from these particular objections, much less is it impeached by his general character, which was that of a bold and daring man, who was very unlikely to feel shame in avowing what he had not been ashamed to commit, and who seems to have taken a delight in speaking bold truths, or at least what appeared to him to be such, without regarding the manner in which his hearers were likely to receive them. With respect to the last consideration, that of the opposite evidence, it all depends upon the veracity of men who, according to their own account, betrayed their comrades, and were actuated by the hope either of pardon or reward.

It appears to be of the more consequence to clear up this matter, because, if we should be of opinion, as I think we all must be, that the story of the intended assassination of the king, in his way from Newmarket, is as fabulous as that of

the silver bullets by which he was to have been shot at Windsor, a most singular train of reflections will force itself upon our minds, as well in regard to the character of the times, as to the means by which the two causes gained successively the advantage over each other. The royalists had found it impossible to discredit the fiction, gross as it was, of the popish plot; nor could they prevent it from being a powerful engine in the hands of the whigs, who during the alarm raised by it, gained an irresistible superiority in the house of commons, in the city of London, and in most parts of the kingdom. But they who could not quiet a false alarm raised by their adversaries, found little or no difficulty in raising one equally false in their own favour, by the supposed detection of the intended assassination. With regard to the advantages derived to the respective parties from those detestable fictions, if it be urged, on one hand, that the panic spread by the whigs was more universal and more violent in its effects, it must be allowed, on the other, that the advantages gained by the tories were, on account of their alliance with the crown, more durable and decisive. There is a superior solidity ever belonging to the power of the crown, as compared with that of any body of men or party, or even with either of the other branches of the legislature. A party has influence, but, properly speaking, no power. The houses of parliament have abundance of power, but, as bodies, little or no influence. The crown has both power and influence, which, when exerted with wisdom and steadiness, will always be found too strong for any opposition whatever, till the zeal and fidelity of party attachments shall be found to increase in proportion to the increased influence of the executive power. (*Will the end of time.*)

*captured  
Sept. 1685  
det. 30th* While these matters were transacting in Scotland, Monmouth, conformably to his promise to Argyle, set sail from Holland, and landed at Lyme in Dorsetshire, on the 11th of June. He was attended by lord Grey of Wark, Fletcher of Saltoun, colonel Matthews, Ferguson, and a few other gentlemen. His reception was, among the lower ranks, cordial, and for some days at least, if not weeks, there seemed to have been more foundation for the sanguine hopes of lord Grey and others, his followers, than the duke had supposed. The first step taken by the invader, was to issue a proclamation, which he caused to be read in the market-place. In

this instrument he touched upon what were, no doubt, thought to be the most popular topics,—and loaded James and his catholic friends with every imputation which had at any time been thrown against them. This declaration appears to have been well received, and the numbers that came in to him were very considerable; but his means of arming them were limited, nor had he much confidence,—for the purpose of any important military operation, in men unused to discipline, and wholly unacquainted with the art of war. Without examining the question whether or not Monmouth,—from his professional prejudices,—carried,—as some have alleged he did, his diffidence of unpractised soldiers and new levies too far, it seems clear that, in his situation,—the best,—or rather the only chance of success, was to be looked for in counsels of the boldest kind. If he could not immediately strike some important stroke,—it was not likely that he ever should; nor indeed was he in a condition to wait. He could not flatter himself, as Argyle had done, that he had a strong country, full of relations and dependants, where he might secure himself till the co-operation of his confederate or some other favourable circumstance might put it in his power to act more efficaciously. Of any brilliant success in Scotland he could not, at this time, entertain any hope, nor if he had, could he rationally expect that any events in that quarter would make the sort of impression here, which, on the other hand, his success would produce in Scotland. With money he was wholly unprovided; nor does it appear, whatever may have been the inclination of some considerable men, such as lords Macclesfield, Brandon, Delamere,—and others, that any persons of that description were engaged to join in his enterprise. His reception had been above his hopes, and his recruits more numerous than could be expected, or than he was able to furnish with arms; while, on the other hand, the forces in arms against him consisted chiefly in a militia, formidable neither from numbers nor discipline,—and moreover suspected of disaffection. The present moment, therefore, seemed to offer the most favourable opportunity for enterprise of any that was like to occur; but the unfortunate Monmouth judged otherwise, and, as if he were to defend rather than to attack, directed his chief policy to the avoiding of a general action. (*i.e. failed*)

N.B.  
true or not,  
course—



It being, however, absolutely necessary to dislodge some troops which the earl of Feversham had thrown into Bridport, a detachment of three hundred men was made for that purpose, which had the most complete success, notwithstanding the cowardice of lord Grey, who commanded them. This nobleman, who had been so instrumental in persuading his friend to the invasion, upon the first appearance of danger is said to have left the troops whom he commanded, and to have sought his own personal safety in flight. The troops carried Bridport, to the shame of the commander who had deserted them, and returned to Lyme.

*E. G. Ward*  
It is related by Ferguson, that Monmouth said to Matthews, "What shall I do with lord Grey?" to which the other answered, "That he was the only general in Europe who would ask such a question;" intending, no doubt, to reproach the duke with the excess to which he pushed his characteristic virtues of mildness and forbearance. That these virtues formed a part of his character, is most true, and the personal friendship in which he had lived with Grey would incline him still more to the exercise of them upon this occasion; but it is to be remembered also, that the delinquent was, in respect of rank, property, and perhaps too of talent, by far the most considerable man he had with him; and therefore, that prudential motives might concur to deter a general from proceeding to violent measures with such a person, especially in a civil war, where the discipline of an armed party cannot be conducted upon the same system as that of a regular army serving in a foreign war. Monmouth's disappointment in lord Grey was aggravated by the loss of Fletcher of Saltoun, who, in a sort of scuffle that ensued, upon his being reproached for having seized a horse belonging to a man of the country, had the misfortune to kill the owner. Monmouth, however unwilling, thought himself obliged to dismiss him; and thus, while a fatal concurrence of circumstances forced him to part with the man he esteemed, and to retain him whom he despised, he found himself at once disappointed of the support of the two persons upon whom he had most relied.

On the 15th of June, his army being now increased to near three thousand men, the duke marched from Lyme. He does not appear to have taken this step with a view to any enterprise of importance, but rather to avoid the danger

which he apprehended from the motions of the Devonshire and Somerset militias, whose object it seemed to be to shut him up in Lyme. In his first day's march, he had opportunities of engaging, or rather of pursuing, each of those bodies, who severally retreated from his forces; but conceiving it to be his business, as he said, not to fight, but to march on, he went through Axminster, and encamped in a strong piece of ground between that town and Chard in Somersetshire, to which place he proceeded on the ensuing day. According to Wade's narrative, which appears to afford by far the most authentic account of these transactions, here it was that the first proposition was made for proclaiming Monmouth king. Ferguson made the proposal, and was supported by lord Grey, but it was *easily run down*, as Wade expresses it, *by those who were against it*, and whom, therefore, we must suppose to have formed a very considerable majority of the persons deemed of sufficient importance to be consulted on such an occasion. These circumstances are material, because if that credit be given to them which they appear to deserve, Ferguson's want of veracity becomes so notorious, that it is hardly worth while to attend to any part of his narrative. Where it only corroborates accounts given by others, it is of little use; and where it differs from them, it deserves no credit. I have, therefore, wholly disregarded it.

From Chard, Monmouth and his party proceeded to Taunton, a town where, as well for the tenour of former occurrences, as from the zeal and number of the protestant dissenters, who formed a great portion of its inhabitants, he had every reason to expect the most favourable reception. His expectations were not disappointed. The inhabitants of the upper, as well as the lower classes, vied with each other in testifying their affection for his person, and their zeal for his cause. While the latter rent the air with applause and acclamations, the former opened their houses to him and to his followers, and furnished his army with necessities and supplies of every kind. His way was strewed with flowers; the windows were thronged with spectators, all anxious to participate in what the warm feelings of the moment made them deem a triumph. Husbands pointed out to their wives, mothers to their children, the brave and lovely hero, who was destined to be the deliverer of his country.

The beautiful lines which Dryden makes Achitophel, in his highest strain of flattery, apply to this unfortunate nobleman, were in this instance literally verified:

“Thee, Saviour, thee, the nation’s vows confess,  
And, never satisfied with seeing, bless.  
Swift unbespoken pomps thy steps proclaim,  
And stammering babes are taught to lisp thy name.”

In the midst of these joyous scenes, twenty-six young maids, of the best families in the town, presented him, in the name of their townsmen, with colours wrought by them for the purpose, and with a Bible; upon receiving which, he said that he had taken the field with a design to defend the truth contained in that book, and to seal it with his blood if there was occasion.

In such circumstances it is no wonder that his army increased; and indeed, exclusive of individual recruits, he was here strengthened by the arrival of colonel Bassett with a considerable corps. But in the midst of these prosperous circumstances, some of them of such apparent importance to the success of his enterprise, all of them highly flattering to his feelings, he did not fail to observe that one favourable symptom (and that too of the most decisive nature) was still wanting. None of the considerable families, not a single nobleman, and scarcely any gentleman of rank and consequence in the counties through which he had passed had declared in his favour. Popular applause is undoubtedly sweet; and not only so, it often furnishes most powerful means to the genius that knows how to make use of them. But Monmouth well knew that without the countenance and assistance of a proportion, at least, of the higher ranks in the country, there was, for an undertaking like his, little prospect of success. He could not but have remarked that the habits and prejudices of the English people are, in a great degree, aristocratical; nor had he before him, nor indeed have we, since his time, had one single example of an insurrection that was successful, unaided by the ancient families and great landed proprietors. He must have felt this the more, because, in former parts of his political life, he had been accustomed to act with such coadjutors; and it is highly probable that if lord Russell had been alive, and could have appeared at the head

(- Russell would never have been such a fool. -)



of one hundred only of his western tenantry, such a reinforcement would have inspired him with more real confidence than the thousands who individually flocked to his standard.

But though Russell was no more, there were not wanting, either in the provinces through which the duke passed, or in other parts of the kingdom, many noble and wealthy families, who were attached to the principles of the whigs. To account for their neutrality, and, if possible, to persuade them to a different conduct, was naturally among his principal concerns. Their present coldness might be imputed to the indistinctness of his declarations with respect to what was intended to be the future government. Men zealous for monarchy might not choose to embark without some certain pledge that their favourite form should be preserved. They would also expect to be satisfied with respect to the person whom their arms, if successful, were to place upon the throne. To promise, therefore, the continuance of a monarchical establishment, and to designate the future monarch, seemed to be necessary for the purpose of acquiring aristocratical support. Whatever might be the intrinsic weight of this argument, it easily made its way with Monmouth in his present situation. The aspiring temper of mind which is the natural consequence of popular favour and success, produced in him a disposition to listen to any suggestion which tended to his elevation and aggrandizement; and when he could persuade himself, upon reasons specious at least, that the measures which would most gratify his aspiring desires would be, at the same time, a stroke of the soundest policy, it is not to be wondered at, that it was immediately and impatiently adopted. Urged, therefore, by these mixed motives, he declared himself king, and issued divers proclamations in the royal style; assigning to those whose approbation he doubted, the reasons above adverted to, and proscribing, and threatening with the punishment due to rebellion, such as should resist his mandates, and adhere to the usurping duke of York.

If this measure was in reality taken with views of policy, those views were miserably disappointed; for it does not appear that one proselyte was gained. The threats in the proclamation were received with derision by the king's army, and no other sentiments were excited by the assumption of the royal title, than those of contempt and indignation. The

(-who could prove he was Charles's son, to begin with?)

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commonwealthsmen were dissatisfied, of course, with the principle of the measure: the favourers of hereditary right held it in abhorrence, and considered it as a kind of sacrilegious profanation; nor even among those who considered monarchy in a more rational light, and as a magistracy instituted for the good of the people, could it be at all agreeable that such a magistrate should be elected by the army that had thronged to his standard, or by the particular partiality of a provincial town. Monmouth's strength, therefore, was by no means increased by his new title, and seemed to be still limited to two descriptions of persons; first, those who, from thoughtlessness or desperation, were willing to join in any attempt at innovation; secondly, such as, directing their views to a single point, considered the destruction of James's tyranny as the object which, at all hazards, and without regard to consequences, they were bound to pursue. On the other hand, his reputation both for moderation and good faith was considerably impaired, inasmuch as his present conduct was in direct contradiction to that part of his declaration wherein he had promised to leave the future adjustment of government, and especially the consideration of his own claims, to a free and independent parliament.

The notion of improving his new levies by discipline, seems to have taken such possession of Monmouth's mind, that he overlooked the probable, or rather the certain, consequences of a delay, by which the enemy would be enabled to bring into the field forces far better disciplined and appointed than any which, even with the most strenuous and successful exertions, he could hope to oppose to them. Upon this principle, and especially as he had not yet fixed upon any definite object of enterprise, he did not think a stay of a few days at Taunton would be materially, if at all, prejudicial to his affairs; and it was not till the 21st of June that he proceeded to Bridgewater, where he was received in the most cordial manner. In his march, the following day, from that town to Glastonbury, he was alarmed by a party of the earl of Oxford's horse; but all apprehensions of any material interruptions were removed by an account of the militia having left Wells, and retreated to Bath and Bristol. From Glastonbury he went to Shipton-Mallet, where the project of an attack upon Bristol was first communicated by

the duke to his officers. After some discussion, it was agreed that the attack should be made on the Gloucestershire side of the city, and with that view to pass the Avon at Keynsham Bridge, a few miles from Bath. In their march from Shipton-Mallet, the troops were again harassed in their rear by a party of horse and dragoons, but lodged quietly at night at a village called Pensford. A detachment was sent early the next morning to possess itself of Keynsham, and to repair the bridge, which might probably be broken down, to prevent a passage. Upon their approach, a troop of the Gloucestershire horse-militia immediately abandoned the town in great precipitation, leaving behind them two horses and one man. By break of day, the bridge, which had not been much injured, was repaired, and before noon, Monmouth, having passed it with his whole army, was in full march to Bristol, which he determined to attack the ensuing night. But the weather proving rainy and bad, it was deemed expedient to return to Keynsham, a measure from which he expected to reap a double advantage; to procure dry and commodious quarters for the soldiery, and to lull the enemy, by a movement, which bore the semblance of a retreat, into a false and delusive security. The event, however, did not answer his expectation, for the troops had scarcely taken up their quarters, when they were disturbed by two parties of horse, who entered the town at two several places. An engagement ensued, in which Monmouth lost fourteen men, and a captain of horse, though in the end the royalists were obliged to retire, leaving three prisoners. From these the duke had information that the king's army was near at hand, and, as they said, about four thousand strong.

This new state of affairs seemed to demand new councils. The projected enterprise upon Bristol was laid aside, and the question was, whether to make by forced marches for Gloucester, in order to pass the Severn at that city, and so to gain the counties of Salop and Chester, where he expected to be met by many friends, or to march directly into Wiltshire, where, according to some intelligence received<sup>1</sup> ["from

<sup>1</sup> Reference is made to Adlam's intelligence, page 423. It is clear, therefore, that Mr. Fox had intended to name him, but as he omitted to do so, the words between the inverted commas have been inserted by the editor.



one Adlam"] the day before, there was a considerable body of horse, (under whose command does not appear,) ready, by their junction, to afford him a most important and seasonable support. To the first of these plans a decisive objection was stated. The distance by Gloucester was so great, that, considering the slow marches to which he would be limited, by the daily attacks with which the different small bodies of the enemy's cavalry would not fail to harass his rear, he was in great danger of being overtaken by the king's forces, and might thus be driven to risk all in an engagement upon terms the most disadvantageous. On the contrary, if joined in Wiltshire by the expected aids, he might confidently offer battle to the royal army; and, provided he could bring them to an action before they were strengthened by new reinforcements, there was no unreasonable prospect of success. The latter plan was therefore adopted, and no sooner adopted than put in execution. The army was in motion without delay, and being before Bath on the morning of the 26th of June, summoned the place, rather (as it should seem) in sport than in earnest, as there was no hope of its surrender. After this bravado they marched on southward to Philip's-Norton, where they rested; the horse in the town, and the foot in the field.

While Monmouth was making these marches, there were not wanting, in many parts of the adjacent country, strong symptoms of the attachment of the lower orders of people to his cause, and more especially in those manufacturing towns where the protestant dissenters were numerous. In Froome, there had been a considerable rising, headed by the constable, who posted up the duke's declaration in the market-place. Many of the inhabitants of the neighbouring towns of Westbury and Warminster came in throngs to the town to join the insurgents; some armed with fire-arms, but more with such rustic weapons as opportunity could supply. Such a force, if it had joined the main army, or could have been otherwise directed by any leader of judgment and authority, might have proved very serviceable; but in its present state it was a mere rabble, and upon the first appearance of the earl of Pembroke, who entered the town with a hundred and sixty horse, and forty musketeers, fell, as might be expected, into total confusion. The rout was complete; all the arms

of the insurgents were seized; and the constable, after having been compelled to abjure his principles, and confess the enormity of his offence, was committed to prison. i.e. as not obliged to him

This transaction took place the 25th, the day before Monmouth's arrival at Philip's-Norton, and may have, in a considerable degree, contributed to the disappointment, of which we learn from Wade, that he (at this time) began bitterly to complain. He was now upon the confines of Wiltshire, and near enough for the bodies of horse, upon whose favourable intentions so much reliance had been placed, to have effected a junction, if they had been so disposed; but whether that Adam's intelligence had been originally bad, or that Pembroke's proceedings at Froome had intimidated them, no symptom of such an intention could be discovered. A desertion took place in his army, which the exaggerated accounts in the gazette made to amount to near two thousand men. These dispiriting circumstances, added to the complete disappointment of the hopes entertained from the assumption of the royal title, produced in him a state of mind but little short of despondency. He complained that all people had deserted him, and is said to have been so dejected, as hardly to have the spirit requisite for giving the necessary orders.

From this state of torpor, however, he appears to have been effectually roused by a brisk attack that was made upon him on the 27th, in the morning, by the royalists, under the command of his half-brother, the duke of Grafton. That spirited young nobleman, (whose intrepid courage, conspicuous upon every occasion, led him in this, and many other instances, to risk a life, which he finally lost,<sup>1</sup> in a better cause,) heading an advanced detachment of Lord Feversham's army, who had marched from Bath, with a view to fall on the enemy's rear, marched boldly up a narrow lane leading to the town, and attacked a barricade, which Monmouth had caused to be made across the way, at the entrance of the

<sup>1</sup> At the siege of Cork, in 1690. "In this action" (the taking of Cork by storm) "the duke of Grafton received a shot, of which he died in a few days. He was the more lamented, as being the person of all king Charles's children of whom there was the greatest hope; he was brave, and probably would have become a great man at sea." Burnet, iii. 83. He distinguished himself particularly in the action off Beachy-head that same year. Sir J. Dalrymple, ii. 131.—Ed.

town. Monmouth was no sooner apprised of this brisk attack, than he ordered a party to go out of the town by a by-way, who coming on the rear of the grenadiers while others of his men were engaged with their front, had nearly surrounded them, and taken their commander prisoner,—but Grafton forced his way through the enemy. An engagement ensued between the insurgents and the remainder of Feversham's detachment, who had lined the hedges which flanked them. The former were victorious, and after driving the enemy from hedge to hedge, forced them at last into the open field, where they joined the rest of the king's forces, newly come up. The killed and wounded in these rencounters amounted to about forty on Feversham's side, twenty on Monmouth's; but among the latter there were several officers, and some of note, while the loss of the former, with the exception of two volunteers, Seymour and May,—consisted entirely of common soldiers.

*i.e. Monmouth's army without his forces*  
 The royalists now drew up on an eminence, about five hundred paces from the hedges, while Monmouth, having placed of his four field-pieces, two at the mouth of the lane, and two upon a rising ground near it on the right, formed his army along the hedge. From these stations,—a firing of artillery was begun on each side, and continued near six hours, but with little or no effect. Monmouth, according to Wade, losing but one, and the royalists, according to the Gazette, not one man,—by the whole cannonade. In these circumstances, notwithstanding the recent and convincing experience he now had of the ability of his raw troops to face, in certain situations at least, the more regular forces of his enemy, Monmouth was advised by some to retreat; but upon a more general consultation, this advice was over-ruled, and it was determined to cut passages through the hedges and to offer battle. But before this could be effected, the royal army, not willing again to engage among the enclosures,—annoyed in the open field by the rain which continued to fall very heavily, and disappointed, no doubt, at the little effect of their artillery, began their retreat. The little confidence which Monmouth had in his horse—perhaps the ill opinion he now entertained of their leader—forbade him to think of pursuit,—and having stayed till a late hour in the field, and leaving large fires burning, he set out on his march in the night, and on the 28th,



in the morning, reached Froome, where he put his troops in quarter and rested two days.

It was here he first heard certain news of Argyle's discomfiture. It was in vain to seek for any circumstance in his affairs that might mitigate the effect of the severe blow inflicted by this intelligence, and he relapsed into the same low spirits as at Philip's-Norton. No diversion, at least no successful diversion, had been made in his favour: there was no appearance of the horse, which had been the principal motive to allure him into that part of the country; and what was worst of all, no desertion from the king's army. It was manifest, said the duke's more timid advisers, that the affair must terminate ill, and the only measure now to be taken was, that the general with his officers should leave the army to shift for itself, and make severally for the most convenient sea-ports, whence they might possibly get a safe passage to the Continent. To account for Monmouth's entertaining, even for a moment, a thought so unworthy of him, and so inconsistent with the character for spirit he had ever maintained—a character unimpeached even by his enemies—we must recollect the unwillingness with which he undertook this fatal expedition; that his engagement to Argyle, who was now past help, was perhaps his principal motive for embarking at the time; that it was with great reluctance he had torn himself from the arms of Lady Harriet Wentworth, with whom he had so firmly persuaded himself that he could be happy in the most obscure retirement, that he believed himself weaned from ambition, which had hitherto been the only passion of his mind. It is true, that when he had once yielded to the solicitations of his friends so far as to undertake a business of such magnitude, it was his duty (but a duty that required a stronger mind than his to execute) to discard from his thoughts all the arguments that had rendered his compliance reluctant. But it is one of the great distinctions between an ordinary mind and a superior one, to be able to carry on without relenting a plan we have not originally approved, and especially when it appears to have turned out ill. This proposal of disbanding was a step so pusillanimous and dishonourable, that it could not be approved by any council, however composed. It was condemned by all except colonel Venner, and was particularly inveighed against by

As was  
of course  
corrected

N.B.  
with which  
was given  
adultery

lord Grey, who was perhaps desirous of retrieving, by bold words at least, the reputation he had lost at Bridport. It is possible, too, that he might be really unconscious of his deficiency in point of personal courage till the moment of danger arrived, and even forgetful of it when it was passed. Monmouth was easily persuaded to give up a plan so congenial to his nature, resolved, though with little hope of success, to remain with his army to take the chance of events, and at the worst to stand or fall with men whose attachment to him had laid him under indelible obligations.

This resolution being taken, the first plan was to proceed to Warminster, but on the morning of his departure hearing, on the one hand, that the king's troops were likely to cross his march, and on the other, being informed by a quaker before known to the duke, that there was a great club army, amounting to ten thousand men, ready to join his standard in the marshes to the westward, he altered his intention, and returned to Shipton-Mallet, where he rested that night, his army being in good quarters. From Shipton-Mallet he proceeded, on the first of July, to Wells, upon information that there were in that city some carriages belonging to the king's army, and ill guarded. These he found and took, and stayed that night in the town. The following day he marched towards Bridgewater, in search of the great succour he had been taught to expect; but found, of the promised ten thousand men, only a hundred and sixty. The army lay that night in the field, and once again entered Bridgewater on the third of July. That the duke's men were not yet completely dispirited or out of heart, appears from the circumstance of great numbers of them going from Bridgewater to see their friends at Taunton, and other places in the neighbourhood, and almost all returning the next day according to their promise. On the fifth, an account was received of the king's army being considerably advanced, and Monmouth's first thought was to retreat from it immediately, and marching by Axbridge and Keynsham to Gloucester, to pursue the plan formerly rejected, of penetrating into the counties of Chester and Salop.

His preparations for this march were all made, when, on the afternoon of the fifth, he learnt, more accurately than he had before done, the true situation of the royal army, and from the information now received, he thought it expedient

to consult his principal officers whether it might not be advisable to attempt to surprise the enemy by a night attack upon their quarters. The prevailing opinion was, that if the infantry were not intrenched the plan was worth the trial; otherwise not. Scouts were despatched to ascertain this point, and their report being that there was no intrenchment, an attack was resolved on. In pursuance of this resolution, at about eleven at night, the whole army was in march, lord Grey commanding the horse, and colonel Wade the vanguard of the foot. The duke's orders were, that the horse should first advance, and pushing into the enemy's camp, endeavour to prevent their infantry from coming together; that the cannon should follow the horse, and the foot the cannon, and draw all up in one line, and so finish what the cavalry should have begun, before the king's horse and artillery could be got in order. But it was now discovered that though there were no intrenchments, there was a ditch which served as a drain to the great moor adjacent, of which no mention had been made by the scouts. To this ditch the horse under lord Grey advanced, and no farther; and whether immediately, as according to some accounts, or after having been considerably harassed by the enemy in their attempts to find a place to pass, according to others, quitted the field. The cavalry being gone, and the principle upon which the attack had been undertaken being that of a surprise, the duke judged it necessary that the infantry should advance as speedily as possible. Wade, therefore, when he came within forty paces of the ditch, was obliged to halt to put his battalion into that order, which the extreme rapidity of the march had for the time disconcerted. His plan was to pass the ditch, reserving his fire; but while he was arranging his men for that purpose, another battalion, newly come up, began to fire, though at a considerable distance; a bad example, which it was impossible to prevent the vanguard from following, and it was now no longer in the power of their commander to persuade them to advance. The king's forces, as well horse and artillery as foot, had now full time to assemble. The duke had no longer cavalry in the field, and though his artillery, which consisted only of three or four iron guns, was well served under the directions of a Dutch gunner, it was by no means equal to that of the royal army, which, as soon as it was light, began



*bottled* to do great execution. In these circumstances the unfortunate Monmouth, fearful of being encompassed and made prisoner by the king's cavalry, who were approaching upon his flank, and urged, as it is reported, to flight by the same person who had stimulated him to his fatal enterprise, quitted the field, accompanied by lord Grey and some others. The left wing, under the command of colonel Holmes and Matthews, next gave way; and Wade's men, after having continued for an hour and a half, a distant and ineffectual fire, seeing their left discomfited, began a retreat, which soon afterwards became a complete rout.

Thus ended the decisive battle of Sedgmoor; an attack which seems to have been judiciously conceived, and in many parts spiritedly executed. The general was deficient neither in courage nor conduct; and the troops, while they displayed the native bravery of Englishmen, were under as good discipline as could be expected from bodies newly raised. Two circumstances seem to have principally contributed to the loss of the day; first, the unforeseen difficulty occasioned by the ditch, of which the assailants had had no intelligence; and secondly, the cowardice of the commander of the horse. The discovery of the ditch was the more alarming, because it threw a general doubt upon the information of the spies, and the night being dark they could not ascertain that this was the only impediment of the kind which they were to expect. The dispersion of the horse was still more fatal, inasmuch as it deranged the whole order of the plan, by which it had been concerted that their operations were to facilitate the attack to be made by the foot. If lord Grey had possessed a spirit more suitable to his birth and name, to the illustrious friendship with which he had been honoured, and to the command with which he was entrusted, he would doubtless have persevered till he found a passage into the enemy's camp, which could have been effected at a ford not far distant: the loss of time occasioned by the ditch might not have been very material, and the most important consequences might have ensued; but it would surely be rashness to assert, as Hume does, that the army would after all have gained the victory, had not the misconduct of Monmouth and the cowardice of Grey prevented it. This rash judgment is the more to be admired, as the historian has not pointed out the instance of miscon-

duct to which he refers. The number of Monmouth's men killed is computed by some at two thousand, by others, at three hundred; a disparity, however, which may be easily reconciled, by supposing that the one account takes in those who were killed in battle, while the other comprehends the wretched fugitives who were massacred in ditches, corn-fields, and other hiding places, the following day.

In general, I have thought it right to follow Wade's narrative, which appears to me by far the most authentic, if not the only authentic account of this important transaction. It is imperfect, but its imperfection arises from the narrator's omitting all those circumstances of which he was not an eye-witness, and the greater credit is on that very account due to him for those which he relates. With respect to Monmouth's quitting the field, it is not mentioned by him, nor is it possible to ascertain the precise point of time at which it happened. That he fled while his troops were still fighting, and therefore too soon for his glory, can scarcely be doubted; and the account given by Ferguson, whose veracity, however, is always to be suspected, that lord Grey urged him to the measure, as well by persuasion as by example, seems not improbable. The misbehaviour of the last-mentioned nobleman is more certain; but as, according to Ferguson, who has been followed by others, he actually conversed with Monmouth in the field, and as all accounts make him the companion of his flight, it is not to be understood that when he first gave way with his cavalry, he ran away in the literal sense of the words, or if he did, he must have returned. The exact truth, with regard to this and many other interesting particulars, is difficult to be discovered; owing, not more to the darkness of the night in which they were transacted, than to the personal partialities and enmities by which they have been disfigured, in the relations of the different contemporary writers.

Monmouth with his suite first directed his course towards the Bristol Channel, and as is related by Oldmixon, was once inclined, at the suggestion of Dr. Oliver, a faithful and honest adviser, to embark for the coast of Wales, with a view of concealing himself some time in that principality. Lord Grey, who appears to have been, in all instances, his evil genius, dissuaded him from this plan, and the small party having

separated, took each several ways. Monmouth, Grey, and a gentleman of Brandenburg, went southward, with a view to gain the New Forest in Hampshire, where, by means of Grey's connexions in that district, and thorough knowledge of the country, it was hoped they might be in safety, till a vessel could be procured to transport them to the Continent. They left their horses, and disguised themselves as peasants; but the pursuit, stimulated as well by party zeal, as by the great pecuniary rewards offered for the capture of Monmouth and Grey, was too vigilant to be eluded. Grey was taken on the 7th in the evening; and the German, who shared the same fate early on the next morning, confessed that he had parted from Monmouth but a few hours since. The neighbouring country was immediately and thoroughly searched, and James had ere night the satisfaction of learning that his nephew was in his power. The unfortunate duke was discovered in a ditch, half concealed by fern and nettles. His stock of provision, which consisted of some peas gathered in the fields through which he had fled, was nearly exhausted, and there is reason to think that he had little, if any other sustenance, since he left Bridgewater on the evening of the 5th. To repose he had been equally a stranger; how his mind must have been harassed, it is needless to discuss. Yet that in such circumstances he appeared dispirited and crest-fallen, is, by the unrelenting malignity of party writers, imputed to him as cowardice and meanness of spirit. That the failure of his enterprise, together with the bitter reflection, that he had suffered himself to be engaged in it against his own better judgment, joined to the other calamitous circumstances of his situation, had reduced him to a state of despondency, is evident; and in this frame of mind, he wrote on the very day of his capture, the following letter to the king:

“SIR,—Your majesty may think it the misfortune I now lie under, makes me make this application to you; but I do assure your majesty, it is the remorse I now have in me of the wrong I have done you in several things, and now in taking up arms against you. For my taking up arms, it was never in my thought since the king died: the prince and princess of Orange will be witness for me of the assurance I gave them, that I would never stir against you. But my misfortune was such as to meet with some horrid people, that



made me believe things of your majesty, and gave me so many false arguments, that I was fully led away to believe, *included* that it was a shame and a sin before God not to do it. But, *cut-* sir, I will not trouble your majesty at present with many things I could say for myself, that I am sure would move your compassion; the chief end of this letter being only to beg of you, that I may have that happiness as to speak to your majesty; for I have that to say to you, sir, that I hope may give you a long and happy reign.

"I am sure, sir, when you hear me, you will be convinced of the zeal I have of your preservation,—and how heartily I repent of what I have done. I can say no more to your majesty now,—being this letter must be seen by those that keep me. Therefore, sir, I shall make an end, in begging of your majesty to believe so well of me, that I would rather die a thousand deaths than excuse anything I have done, if I did not really think myself the most in the wrong that ever a man was, and had not from the bottom of my heart an abhorrence for those that put me upon it, and for the action itself. I hope, sir, God Almighty will strike your heart with mercy and compassion for me,—as he has done mine with the abhorrence of what I have done: wherefore, sir, I hope I may live to show you how zealous I shall ever be for your service; and could I but say one word in this letter, you would be convinced of it; but it is of that consequence,—that I dare not do it. Therefore, sir, I do beg of you once more to let me speak to you; for then you will be convinced how much I shall ever be, your majesty's most humble and dutiful

"MONMOUTH."

The only certain conclusion to be drawn from this letter, which Mr. Echard, in a manner perhaps not so seemly for a churchman, terms submissive,<sup>1</sup> is, that Monmouth still wished *what else you call it* anxiously for life, and was willing to save it, even at the cruel price of begging and receiving it as a boon from his enemy. Ralph conjectures with great probability, that this unhappy man's feelings were all governed by his excessive affection for his mistress; and that a vain hope of enjoying, with lady Harriet Wentworth, that retirement which he had *(-his Duchess - of course - contented for nothing at all!)*

<sup>1</sup> Echard, p. 771. "His former spirit sunk into pusillanimity, and he meanly endeavoured, by the following submissive letter," &c.—E.

so unwillingly abandoned, induced him to adopt a conduct, which he might otherwise have considered as indecent. At any rate it must be admitted that to cling to life, is a strong instinct in human nature, and Monmouth might reasonably enough satisfy himself, that when his death could not by any possibility benefit either the public or his friends, to follow such instinct, even in a manner that might tarnish the splendour of heroism, was no impeachment of the moral virtue of a man. (*But after his conduct before, I sh<sup>d</sup> think.*)

With respect to the mysterious part of the letter, where he speaks of *one word* which would be of such infinite importance, it is difficult, if not rather utterly impossible, to explain it by any rational conjecture. Mr. Macpherson's favourite hypothesis, that the prince of Orange had been a party to the late attempt, and that Monmouth's intention, when he wrote the letter, was to disclose this important fact to the king,<sup>1</sup> is totally destroyed by those expressions, in which the unfortunate prisoner tells his majesty he had assured the prince and princess of Orange that he would never stir against him. Did he assure the prince of Orange that he would never do that which he was engaged to the prince of Orange to do? Can it be said that this was a false fact, and that no such assurances were in truth given? To what purpose was the falsehood? In order to conceal, from motives whether honourable or otherwise, his connexion with the prince? What! a fiction in one paragraph of the letter in order to conceal a fact, which in the next he declares his intention of revealing? The thing is impossible.<sup>2</sup>

The intriguing character of the secretary of state, the earl of Sunderland, whose duplicity in many instances cannot be doubted, and the mystery in which almost everything relating to him is involved, might lead us to suspect that the expressions point at some discovery in which that nobleman was concerned, and that Monmouth had it in his power to be of

<sup>1</sup> Macpherson's Hist.

<sup>2</sup> Even if this complete refutation were wanting, the whole system of conduct imputed to the prince of Orange by the above-mentioned author, by which he is made to act in concert with Monmouth at this time, is so contrary to common sense, that the hypothesis never could have been offered to the belief of mankind by one whose mind was not fortified by some previous experience of their unbounded credulity.

important service to James, by revealing to him the treachery of his minister. Such a conjecture might be strengthened by an anecdote that has had some currency, and to the truth of which, in part, king James's Memoirs, if the extracts from them can be relied on, bear testimony. It is said that the duke of Monmouth told Mr. Ralph Sheldon, one of the king's chamber, who came to meet him on his way to London, that he had had reason to expect Sunderland's co-operation, and authorized Sheldon to mention this to the king: that while Sheldon was relating this to his majesty, Sunderland entered; Sheldon hesitated,—but was ordered to go on. “Sunderland seemed, at first, struck,” (as well he might, whether innocent or guilty,) “but after a short time said, with a laugh, ‘If that be all he (Monmouth) can discover to save his life, it will do him little good.’”<sup>1</sup> It is to be remarked, that in Sheldon's conversation,—as alluded to by king James, the prince of Orange's name is not even mentioned, either as connected with Monmouth or with Sunderland. But, on the other hand, the difficulties that stand in the way of our interpreting Monmouth's letter as alluding to Sunderland, or of supposing that the writer of it had any well-founded accusation against that minister, are insurmountable. If he had such an accusation to make, why did he not make it? The king says expressly, both in a letter to the prince of Orange, and in the extract from his Memoirs, above cited, that Monmouth made no discovery of consequence, and the explanation suggested, that his silence was owing to Sunderland the secretary's having assured him of his pardon,—seems wholly inadmissible. Such assurances could have their influence no longer than while the hope of pardon remained. Why, then, did he continue silent, when he found James inexorable? If he was willing to accuse the earl before he had received these assurances, it is inconceivable that he should have any scruple about doing it when they turned out to have been delusive, and when his mind must have been exasperated by the reflection that Sunderland's perfidious promises and self-interested suggestions had deterred him from the only probable means of saving his life.

A third, and perhaps the most plausible, interpretation of

<sup>1</sup> Macpherson's State Papers, i. 146.



the words in question is, that they point to a discovery of Monmouth's friends in England, when, in the dejected state of his mind at the time of writing, unmanned as he was by misfortune, he might sincerely promise what the return of better thoughts forbade him to perform. This account, however, though free from the great absurdities belonging to the two others, is by no means satisfactory. The phrase, "one word," seems to relate rather to some single person, or some single fact, and can hardly apply to any list of associates that might be intended to be sacrificed. On the other hand, the single denunciation of lord Delamere, of Lord Brandon, or even of the earl of Devonshire, or of any other private individual, could not be considered as of that extreme consequence which Monmouth attaches to his promised disclosure. I have mentioned lord Devonshire, who was certainly not implicated in the enterprise, and who was not even suspected, because it appears, from Grey's narrative, that one of Monmouth's agents had once given hopes of his support; and therefore there is a bare possibility that Monmouth may have reckoned upon his assistance. Perhaps, after all, the letter has been canvassed with too much nicety, and the words of it weighed more scrupulously than, proper allowance being made for the situation and state of mind of the writer, they ought to have been. *i.e. as lies and stuff* They may have been thrown out at hazard, merely as means to obtain an interview, of which the unhappy prisoner thought he might, in some way or other, make his advantage. If any more precise meaning existed in his mind, we must be content to pass it over as one of those obscure points of history, upon which neither the sagacity of historians, nor the many documents since made public, nor the great discoverer, Time, has yet thrown any distinct light.

Monmouth and Grey were now to be conveyed to London, for which purpose they set out on the 11th, and arrived in the vicinity of the metropolis on the 13th of July. In the meanwhile, the queen dowager, who seems to have behaved with a uniformity of kindness towards her husband's son that does her great honour, - urgently pressed the king to admit his nephew to an audience. Importuned, therefore, by entreaties, and instigated by the curiosity which Monmouth's mysterious expressions, and Sheldon's story had excited, he consented, though with a fixed determination to show no mercy. James

*(- he wouldn't, of course.)*

was not of the number of those, in whom the want of an extensive understanding is compensated by a delicacy of sentiment, or by those right feelings, which are often found to be better guides for the conduct than the most accurate reasoning. His nature did not revolt, his blood did not run cold, at the thoughts of beholding the son of a brother whom he had loved, embracing his knees, petitioning, and petitioning in vain, for life; of interchanging words and looks with a nephew, on whom he was inexorably determined, within forty-eight short hours, to inflict an ignominious death.

In Macpherson's extract from king James's Memoirs, it is confessed that the king ought not to have seen, if he was not disposed to pardon the culprit;<sup>1</sup> but whether the observation is made by the exiled prince himself, or by him who gives the extract, is in this, as in many other passages of those Memoirs, difficult to determine. Surely if the king had made this reflection before Monmouth's execution, it must have occurred to that monarch, that if he had inadvertently done that which he ought not to have done, without an intention to pardon, the only remedy was to correct that part of his conduct which was still in his power, and since he could not recal the interview, to grant the pardon. *(and have his young friend up in arms again a month)*

Pursuant to this hard-hearted arrangement, Monmouth and Grey, on the very day of their arrival, were brought to Whitehall, where they had severally interviews with his majesty. James, in a letter to the prince of Orange, dated the following day, gives a short account of both these interviews. Monmouth, he says, betrayed a weakness which did not become one who had claimed the title of king; but made no discovery of consequence. Grey was more ingenuous,<sup>2</sup> (it is not certain in what sense his majesty uses the term, since he does not refer to any discovery made by that lord,) and never once begged his life. Short as this account is, it seems the only authentic one of those interviews. Bishop Kennet, who has been followed by most of the modern historians, relates, that "This unhappy captive, by the intercession of the queen dowager, was brought to the king's presence, and fell presently at his feet, and confessed he deserved to die; but conjured him, with tears in his eyes, not to use him with the severity of justice, and to grant him a life, which he would be ever ready

<sup>1</sup> Macpherson's State Papers, i. 144.

<sup>2</sup> Dalrymple's Memoirs, ii. 134.

to sacrifice for his service. He mentioned to him the example of several great princes, who had yielded to the impressions of clemency on the like occasions, and who had never afterwards repented of those acts of generosity and mercy; concluding in a most pathetic manner, 'Remember, sir, I am your brother's son, and if you take my life, it is your own blood that you will shed.' The king asked him several questions, and made him sign a declaration that his father told him he was never married to his mother: and then said, he was sorry indeed for his misfortunes; but his crime was of too great a consequence to be left unpunished, and he must of necessity suffer for it. The queen is said to have insulted him in a very arrogant and unmerciful manner. So that when the duke saw there was nothing designed by this interview but to satisfy the queen's revenge, he rose up from his majesty's feet with a new air of bravery, and was carried back to the Tower."<sup>1</sup>

The topics used by Monmouth are such as he might naturally have employed, and the demeanour attributed to him, upon finding the king inexorable, is consistent enough with general probability, and his particular character: but that the king took care to extract from him a confession of Charles's declaration with respect to his illegitimacy, before he announced his final refusal of mercy, and that the queen was present for the purpose of reviling and insulting him, are circumstances too atrocious to merit belief, without some more certain evidence. It must be remarked also, that Burnet, whose general prejudices would not lead him to doubt any imputations against the queen, does not mention her majesty's being present. Monmouth's offer of changing religion is mentioned by him, but no authority quoted; and no hint of the kind appears either in James's Letters, or in the extract from his Memoirs.

From Whitehall, Monmouth was at night carried to the Tower, where, no longer uncertain as to his fate, he seems to have collected his mind, and to have resumed his wonted fortitude. The bill of attainder that had lately passed having superseded the necessity of a legal trial, his execution was fixed for the next day but one after his commitment. This

<sup>1</sup> Kennet, iii. 432. Echard, iii. 771.



interval appeared too short, even for the worldly business which he wished to transact, and he wrote again to the king on the 14th, desiring some short respite, which was peremptorily refused. The difficulty of obtaining any certainty concerning facts, even in instances where there has not been any apparent motive for disguising them, is nowhere more striking than in the few remaining hours of this unfortunate man's life. According to king James's statement in his Memoirs, he refused to see his wife, while other accounts assert positively that she refused to see him, unless in presence of witnesses. Burnet, who was not likely to be mistaken in a fact of this kind, says they did meet, and parted very coldly, a circumstance, which, if true, gives us no very favourable idea of the lady's character. There is also mention of a third letter written by him to the king, which being entrusted to a perfidious officer of the name of Scott, never reached its destination;<sup>1</sup> but for this there is no foundation. What seems most certain is, that in the Tower, and not in the closet, he signed a paper, renouncing his pretensions to the crown, the same which he afterwards delivered on the scaffold; and that he was inclined to make this declaration, not by any vain hope of life, but by his affection for his children, whose situation he rightly judged would be safer and better under the reigning monarch and his successors, when it should be evident that they could no longer be competitors for the throne.

Monmouth was very sincere in his religious professions, and it is probable that a great portion of this sad day was passed in devotion and religious discourse with the two prelates who had been sent by his majesty to assist him in his spiritual concerns. Turner, bishop of Ely, had been with him early in the morning, and Kenn, bishop of Bath and Wells, was sent, upon the refusal of a respite, to prepare him for the stroke, which it was now irrevocably fixed he should suffer the ensuing day. They stayed with him all night, and in the morning of the fifteenth were joined by Dr. Hooper, afterwards, in the reign of Anne, made bishop of Bath and Wells, and by Dr. Tennison, who succeeded Tillotson in the see of Canterbury. This last divine is stated by Burnet to have been most acceptable to the duke, and, though

<sup>1</sup> Dalrymple's Memoirs, i. 127.

he joined the others in some harsh expostulations, to have done what the right reverend historian conceives to have been his duty, in a softer and less peremptory manner. Certain it is, that none of these holy men seem to have erred on the side of compassion or complaisance to their illustrious penitent. Besides endeavouring to convince him of the guilt of his connexion with his beloved lady Harriet, of which he could never be brought to a due sense, they seem to have repeatedly teased him with controversy, and to have been far more solicitous to make him profess what they deemed the true creed of the church of England, than to soften or console his sorrows, or to help him to that composure of mind so necessary for his situation. He declared himself to be a member of their church, but they denied that he could be so, unless he thoroughly believed the doctrine of passive obedience and non-resistance. He repented generally of his sins, and especially of his late enterprise, but they insisted that he must repent of it in the way they prescribed to him, that he must own it to have been a wicked resistance to his lawful king, and a detestable act of rebellion.<sup>1</sup> Some historians have imputed this seemingly cruel conduct to the king's particular instructions, who might be desirous of extracting, or rather extorting, from the lips of his dying nephew such a confession as would be matter of triumph to the royal cause. But the character of the two prelates principally concerned, both for general uprightness and sincerity as church of England men, makes it more candid to suppose that they did not act from motives of servile compliance, but rather from an intemperate party zeal for the honour of their church, which they judged would be signally promoted if such a man as Monmouth, after having throughout his life acted in defiance of their favourite doctrine, could be brought in his last moments to acknowledge it as a divine truth. It must never be forgotten, if we would understand the history of this period, that the truly orthodox members of our church regarded monarchy not as a human, - but as a divine institution, and passive obedience and non-resistance, not as political maxims, but as articles of religion. *(for said they did - it was a controversial doctrine for persons in these days.)*

At ten o'clock on the 15th, Monmouth proceeded in a

<sup>1</sup> Burnet, ii. 330. Echard, iii. 772.

carriage of the lieutenant of the Tower to Tower-hill, the place destined for his execution. The two bishops were in the carriage with him, and one of them took that opportunity of informing him, that their controversial altercations were not yet at an end; and that upon the scaffold he would again be pressed for more explicit and satisfactory declarations of repentance. When arrived at the bar, which had been put up for the purpose of keeping out the multitude, Monmouth descended from the carriage, and mounted the scaffold, with a firm step, attended by his spiritual assistants. The sheriffs and executioners were already there. The concourse of spectators was innumerable; and if we are to credit traditional accounts, never was the general compassion more affectingly expressed. The tears, sighs, and groans which the first sight of this heart-rending spectacle produced, were soon succeeded by an universal and awful silence; a respectful attention, and affectionate anxiety, to hear every syllable that should pass the lips of the sufferer. The duke began by saying he should speak little; he came to die, and he should die a protestant of the church of England. Here he was interrupted by the assistants, and told, that if he was of the church of England, he must acknowledge the doctrine of non-resistance to be true. In vain did he reply that if he acknowledged the doctrine of the church in general, it included all: they insisted he should own *that* doctrine particularly with respect to his case, and urged much more concerning their favourite point, upon which, however, they obtained nothing but a repetition in substance of former answers. He was then proceeding to speak of Lady Harriet Wentworth, of his high esteem for her, and of his confirmed opinion that their connexion was innocent in the sight of God; when Goslin, the sheriff, asked him, with all the unfeeling bluntness of a vulgar mind, whether he was ever married to her. The duke refusing to answer, the same magistrate, in the like strain, though changing his subject, said he hoped to have heard of his repentance for the treason and bloodshed which had been committed; to which the prisoner replied with great mildness, that he died very penitent. Here the churchmen again interposed, and renewing their demand of *particular* penitence and *public* acknowledgment upon public affairs, Monmouth referred them to the following paper, which he had signed that morning:

Wm. Goslin  
1684-1

R.  
you  
wife  
wmy  
Shon  
1563



"I declare that the title of king was forced upon me, and that it was very much contrary to my opinion when I was proclaimed. For the satisfaction of the world, I do declare that the late king told me he was never married to my mother. Having declared this, I hope the king who is now will not let my children suffer on this account. And to this I put my hand this fifteenth day of July, 1685.

"MONMOUTH."

There was nothing, they said, in that paper about resistance; nor, though Monmouth, quite worn out with their importunities, said to one of them, in the most affecting manner, "I am to die—pray my Lord—I refer to my paper," would those men think it consistent with their duty to desist. There were only a few words they desired on one point. The substance of these applications on the one hand, and answers on the other, was repeated, over and over again, in a manner that could not be believed, if the facts were not attested by the signature of the persons principally concerned.<sup>1</sup> If the duke, in declaring his sorrow for what had passed, used the word invasion, "Give it the true name," said they, "and call it rebellion." "What name you please," replied the mild-tempered Monmouth. He was sure he was going to everlasting happiness, and considered the serenity of his mind in his present circumstances as a certain earnest of the favour of his Creator. His repentance, he said, must be true, for he had no fear of dying; he should die like a lamb. "Much may come from natural courage," was the unfeeling and stupid reply of one of the assistants. Monmouth, with that modesty inseparable from true bravery, denied that he was in general less fearful than other men, maintaining that his present courage was owing to his consciousness that God had forgiven him his past transgressions, of all which generally he repented with all his soul.

At last the reverend assistants consented to join with him in prayer, but no sooner were they risen from their kneeling posture than they returned to their charge. Not satisfied with what had passed, they exhorted him to a *true* and *thorough* repentance: would he not pray for the king? and send a dutiful message to his majesty to recommend the

<sup>1</sup> Vide Somers's Tracts, i. 435.

duchess and his children? "As you please," was the reply; "I pray for him and for all men." He now spoke to the executioner, desiring that he might have no cap over his eyes, and began undressing. One would have thought that in this last sad ceremony, the poor prisoner might have been unmolested, and that the divines would have been satisfied, that prayer was the only part of their function for which their duty now called upon them. They judged differently, and one of them had the fortitude to request the duke, even in this stage of the business, that he would address himself to the soldiers then present, to tell them he stood a sad example of rebellion, and entreat the people to be loyal and obedient to the king. "I have said I will make no speeches," repeated Monmouth, in a tone more peremptory than he had before been provoked to; "I will make no speeches. I come to die." "My lord, ten words will be enough," said the persevering divine; to which the duke made no answer, but turning to the executioner, expressed a hope that he would do his work better now than in the case of lord Russell. He then felt the axe, which he apprehended was not sharp enough, but being assured that it was of proper sharpness and weight, he laid down his head. In the meantime, many fervent ejaculations were used by the reverend assistants, who, it must be observed, even in these moments of horror, showed themselves not unmindful of the points upon which they had been disputing, praying God to accept his *imperfect* and *general* repentance.

The executioner now struck the blow, but so feebly or unskilfully, that Monmouth, being but slightly wounded, lifted up his head, and looked him in the face as if to upbraid him, but said nothing. The two following strokes were as ineffectual as the first, and the headsman, in a fit of horror, declared he could not finish his work. The sheriff's threatened him; he was forced again to make a further trial, and in two more strokes separated the head from the body.

Thus fell, in the thirty-sixth year of his age, James, duke of Monmouth, a man against whom all that has been said by the most inveterate enemies both to him and his party, amounts to little more than this, that he had not a mind equal to the situations in which his ambition, at different times, engaged him to place himself. But to judge him with candour, we must make great allowances, not only for the temptations

into which he was led by the splendid prosperity of the earlier parts of his life, but also for the adverse prejudices with which he was regarded by almost all the contemporary writers, from whom his actions and character are described. The tories, of course, are unfavourable to him; and even among the whigs, there seems, in many, a strong inclination to disparage him; some to excuse themselves for not having joined him, others to make a display of their exclusive attachment to their more successful leader, king William. Burnet says of Monmouth, that he was gentle, brave, and sincere: to these praises, from the united testimony of all who knew him, we may add that of generosity; and surely those qualities go a great way in making up the catalogue of all that is amiable and estimable in human nature. One of the most conspicuous features in his character seems to have been a remarkable, and, as some think, a culpable degree of flexibility. That such a disposition is preferable to its opposite extreme, will be admitted by all who think that modesty, even in excess, is more nearly allied to wisdom than conceit and self-sufficiency. He who has attentively considered the political, or, indeed, the general concerns of life, may possibly go still further, and rank a willingness to be convinced, or in some cases even without conviction, to concede our own opinion to that of other men, among the principal ingredients in the composition of practical wisdom. Monmouth had suffered this flexibility, so laudable in many cases, to degenerate into a habit which made him often follow the advice, or yield to the entreaties, of persons whose characters by no means entitled them to such deference. The sagacity of Shaftesbury, the honour of Russel, the genius of Sidney, might, in the opinion of a modest man, be safe and eligible guides. The partiality of friendship, and the conviction of his firm attachment, might be some excuse for his listening so much to Grey; but he never could, at any period of his life, have mistaken Ferguson for an honest man. There is reason to believe, that the advice of the two last-mentioned persons had great weight in persuading him to the unjustifiable step of declaring himself king. But far the most guilty act of this unfortunate man's life was his lending his name to the declaration which was published at Lyme, and in this instance Ferguson, who penned the paper, was both the adviser and the instrument. To



accuse the king of having burnt London, murdered Essex in the Tower, and, finally, poisoned his brother, unsupported by evidence to substantiate such dreadful charges, was calumny of the most atrocious kind; but the guilt is still heightened, when we observe, that from no conversation of Monmouth, nor, indeed, from any other circumstance whatever, do we collect that he himself believed the horrid accusations to be true. With regard to Essex's death in particular, the only one of the three charges which was believed by any man of common sense, the late king was as much implicated in the suspicion as James. That the latter should have dared to be concerned in such an act, without the ~~privacy~~ <sup>intimacy</sup> of his brother, was too absurd an imputation to be attempted, even in the days of the popish plot. On the other hand, it was certainly not the intention of the son to brand his father as an assassin. It is too plain that, in the instance of this declaration, Monmouth, with a facility highly criminal, consented to set his name to whatever Ferguson recommended as advantageous to the cause. Among the many dreadful circumstances attending civil wars, perhaps there are few more revolting to a good mind, than the wicked calumnies with which, in the heat of contention, men, otherwise men of honour, have in all ages and countries permitted themselves to load their adversaries. It is remarkable that there is no trace of the divines who attended this unfortunate man, having exhorted him to a particular repentance of his manifesto, or having called for a retraction or disavowal of the accusations contained in it. They were so intent upon points more immediately connected with orthodoxy of faith, that they omitted pressing their penitent to the only declaration by which he could make any satisfactory atonement to those whom he had injured.

## FRAGMENTS.

The following detached paragraphs were probably intended for the fourth chapter. They are here printed in the incomplete and unfinished state in which they were found.

WHILE the whigs considered all religious opinions with a view to politics, the tories, on the other hand, referred all political maxims to religion. Thus the former, even in their hatred to popery, did not so much regard the superstition, or imputed idolatry of that unpopular sect, as its tendency to establish arbitrary power in the state, while the latter revered absolute monarchy as a divine institution, and cherished the doctrines of passive obedience and non-resistance as articles of religious faith.

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To mark the importance of the late events, his majesty caused two medals to be struck; one of himself, with the usual inscription, and the motto, *Aras et sceptru tuemur*; the other of Monmouth, without any inscription. On the reverse of the former, were represented the two headless trunks of his lately vanquished enemies, with other circumstances in the same taste and spirit, the motto, *Ambitio malesuada ruit*; on that of the latter appeared a young man falling in the attempt to climb a rock with three crowns on it, under which was the insulting motto, *Superi risere.* (i.e. 'He that dwelleth on the heavens shall laugh them to scorn')

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With the lives of Monmouth and Argyle ended, or at least seemed to end, all prospect of resistance to James's absolute power; and that class of patriots who feel the pride of submission, and the dignity of obedience, might be completely satisfied that the crown was in its full lustre.

James was sufficiently conscious of the increased strength of his situation, and it is probable that the security he now felt in his power inspired him with the design of taking more decided steps in favour of the popish religion and its professors, than his connexion with the church of England party had before allowed him to entertain. That he from this time attached less importance to the support and affection of the tories is evident from lord Rochester's observations, communicated afterwards to Burnet. This nobleman's abilities and experience in business, his hereditary merit, as son of lord chancellor Clarendon, and his uniform opposition to the exclusion bill, had raised him high in the esteem of the church party. This circumstance, perhaps, as much, or more than the king's personal kindness to a brother-in-law, had contributed to his advancement to the first office in the state. As long, therefore, as James stood in need of the support of the party, as long as he meant to make them the instruments of his power, and the channels of his favour, Rochester was, in every respect, the fittest person in whom to confide; and accordingly, as that nobleman related to Burnet, his majesty honoured him with daily confidential communications upon all his most secret schemes and projects. But upon the defeat of the rebellion, an immediate change took place, and from the day of Monmouth's execution, the king confined his conversations with the treasurer to the mere business of his office.

July 15<sup>th</sup>





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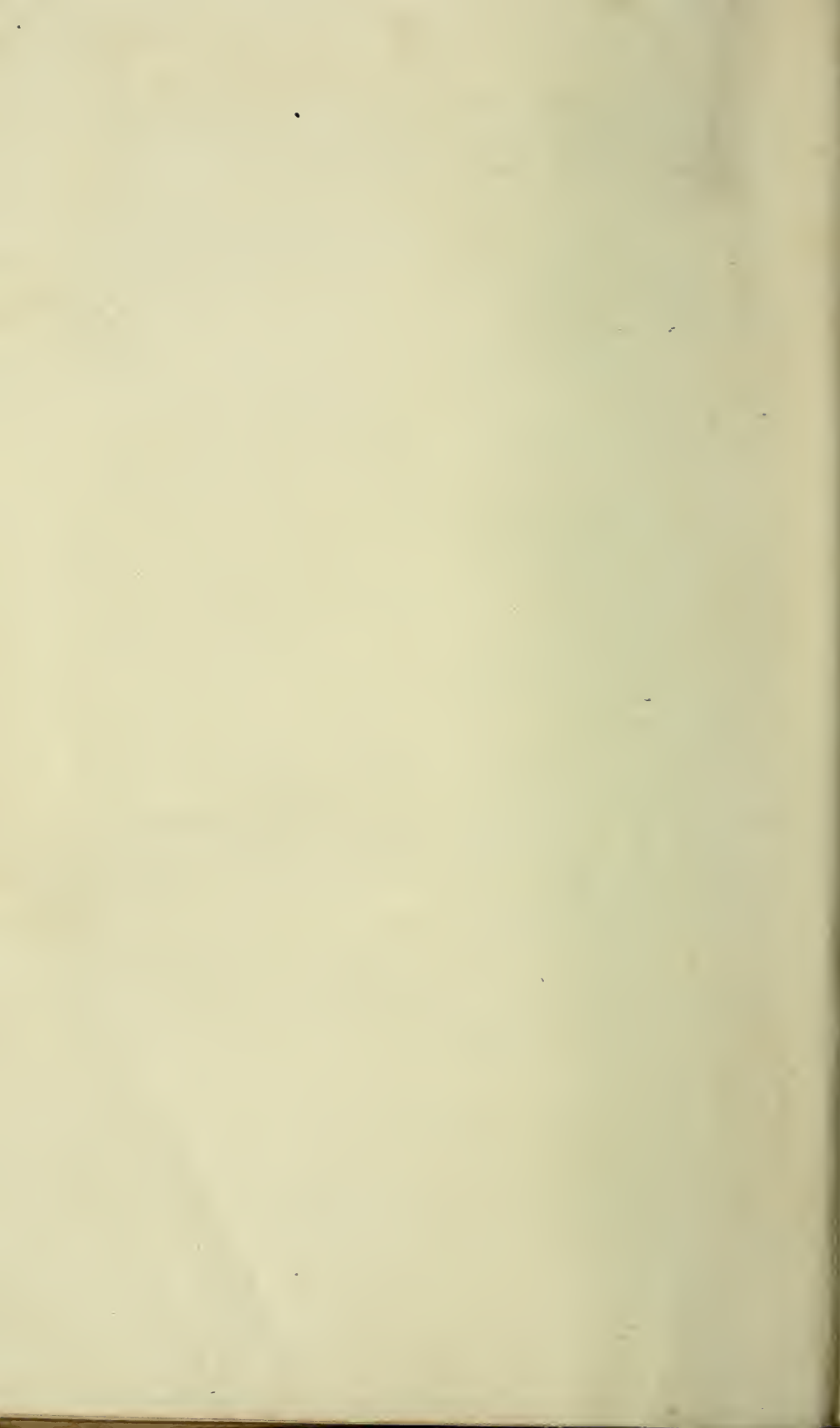


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THE END.


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